

FW: AILA's comment on form I-864

Wednesday, December 30, 2015

7:36 AM

Subject	FW: AILA's comment on form I-864
From	Ramsay, John R
To	Nazer, David I
Sent	Friday, May 01, 2015 6:54 AM
Attachments	 OMB Cont...

John Ramsay
Management Program Analyst
Regulatory Coordination Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-8664

AT&T Connect 888-844-9904 Access Code 9488145 <https://connect16.uc.att.com/uscis/meet/?>

ExEventID=89488145

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From: Miranda-Valido, Liana M
Sent: Thursday, April 30, 2015 4:46 PM
To: Ramsay, John R; Mcgee, Ramona L; Elder, Phillip D; Zemlan, Elizabeth C
Cc: Dawkins, Laura M; Herrera, Albert T (AI)
Subject: AILA's comment on form I-864

Attached.

Liana M. Miranda-Valido
Project Manager
Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services, DHS
(202)272-8887
liana.miranda-valido@dhs.gov

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Shirk, Georgette L

From: Kate Voigt <KVoigt@aila.org>
Sent: Thursday, April 30, 2015 1:32 PM
To: USCIS FR Comment
Subject: OMB Control Number 1615-0075, USCIS, Docket ID USCIS-2007-0029
Attachments: I-864 Comments - FINAL.pdf

Docket ID No. USCIS-2007-0029

Re: OMB Control Number 1615-0075, USCIS 60-Day Notice and Request for Comments: Affidavit of Support, Forms I-864; I-864A; I-864EZ; I-864W

To Whom It May Concern:

The American Immigration Lawyers Association (AILA) submits the attached comments in response to the 60-Day Notice and request for comments on the proposed changes to Form I-864, Affidavit of Support and related forms, published in the Federal Register on January 27, 2015, and extended for an additional 30 days on March 31, 2015.

AILA appreciates the opportunity comment on this notice, and we look forward to a continuing dialogue with USCIS on these issues.

Please let me know if you have any questions or concerns.

Best,
~Kate Voigt

Kate Voigt, Esq.
Associate Director of Liaison
Direct: 202.507.7626 | Email: kvoigt@aila.org

American Immigration Lawyers Association
Main: 202.507.7600 | Fax: 202.783.7853 | www.aila.org
1331 G Street NW, Suite 300, Washington, DC 20005



Fee Waiver FAQs and TOCs

Wednesday, December 30, 2015

7:04 AM

Subject	Fee Waiver FAQs and TOCs
From	Nazer, David I
To	Vanison, Denise
Cc	Levine, Laurence D; Dawkins, Laura M; Phillips, Mark; Silwany, Oscar Y; Gonzalez, Wendy M; Miranda-Valido, Liana M; Nazer, David I
Sent	Monday, November 23, 2015 2:45 PM
Attachments	 I-912 Fee...  I912-INS-T...  I912-FRM-...  I-912 Web...  I-912 Talk...

Denise,

Wendy and I have completed our review of Larry's and your comments to the Fee Waiver Frequently Asked Questions. Attached are the FAQs with our responses to the comments.

Also attached are:

- I-912 Instructions Table of Changes;
- I-912 Form Table of Changes;
- I-912 Web content Landing Page; and
- I-912 Talkers.

Also, for easy reference here is a link to the [2011 Fee Waiver Policy Memo](#).

If you have any questions please let us know. Thanks!!

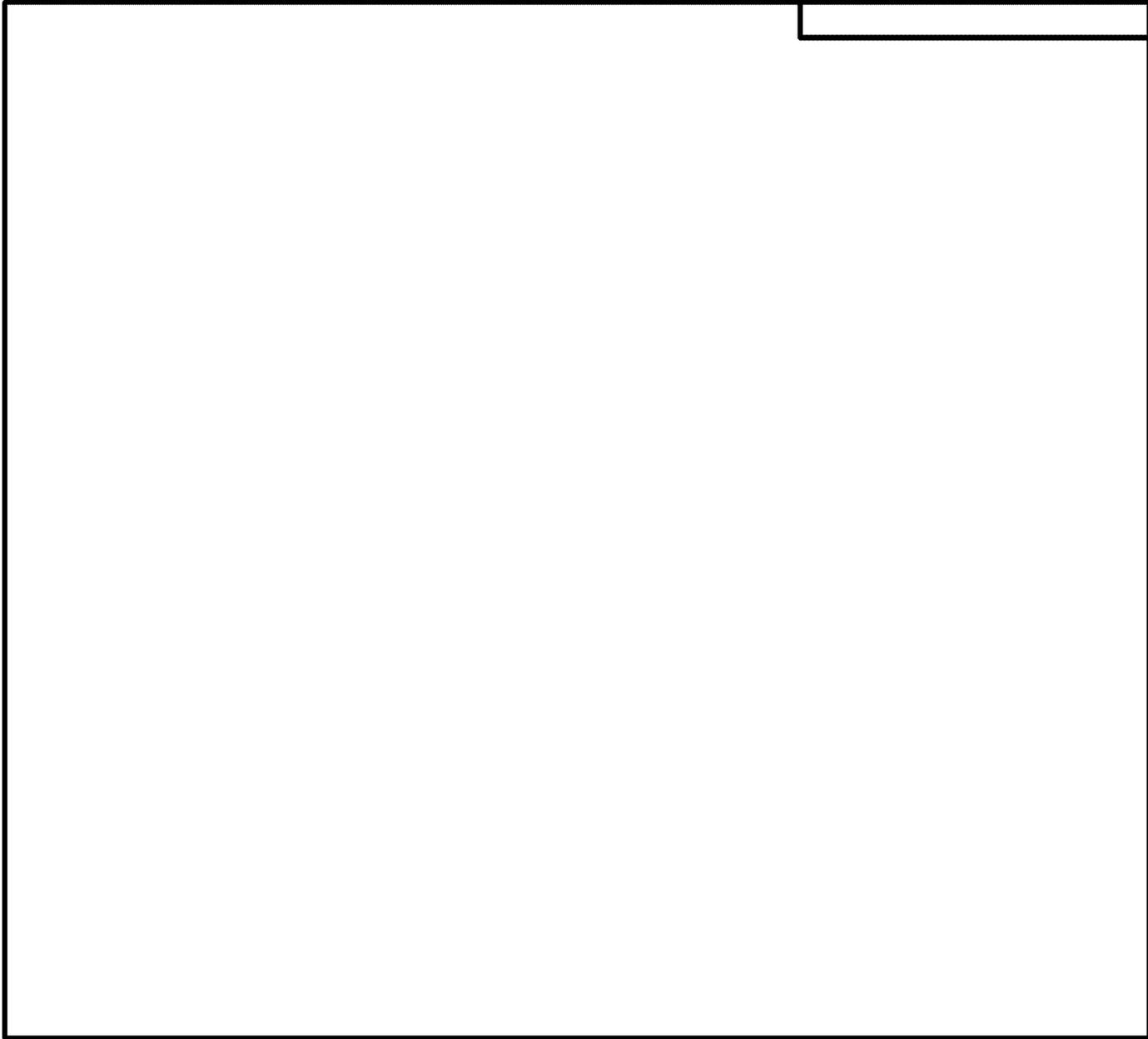
David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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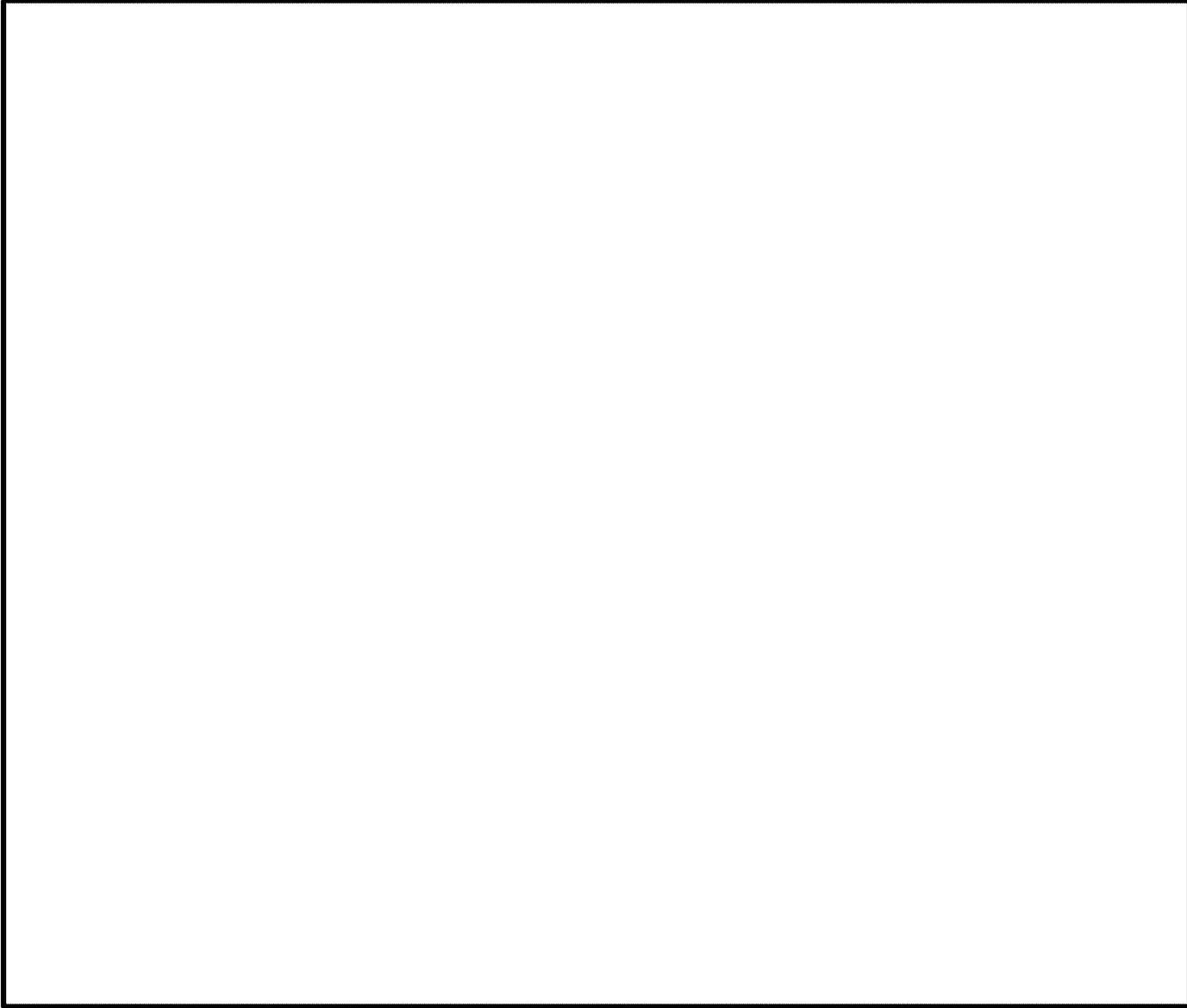
Fee Waiver Frequently Asked Questions



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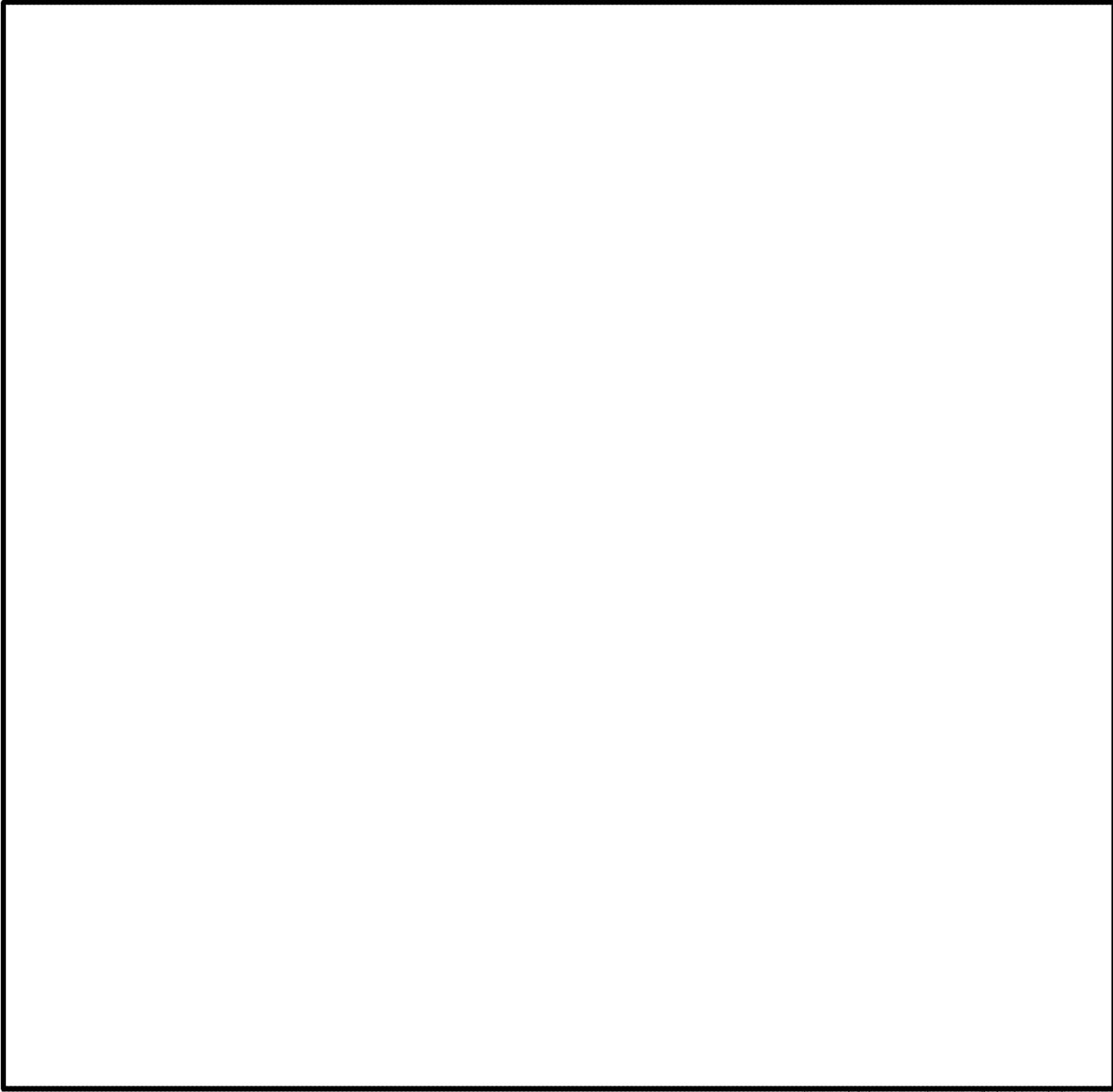
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See the USCIS Fee Waiver Policy.



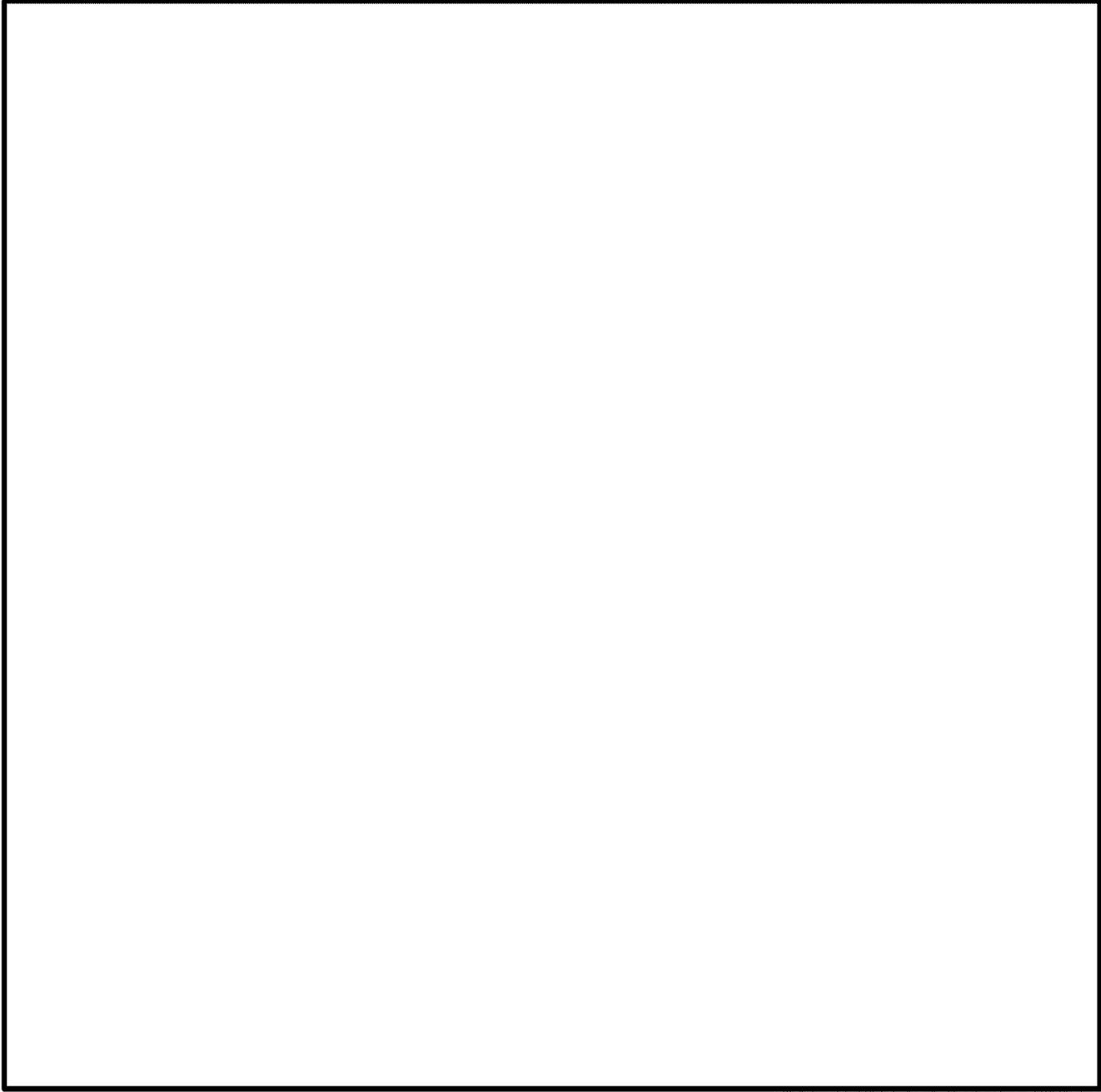
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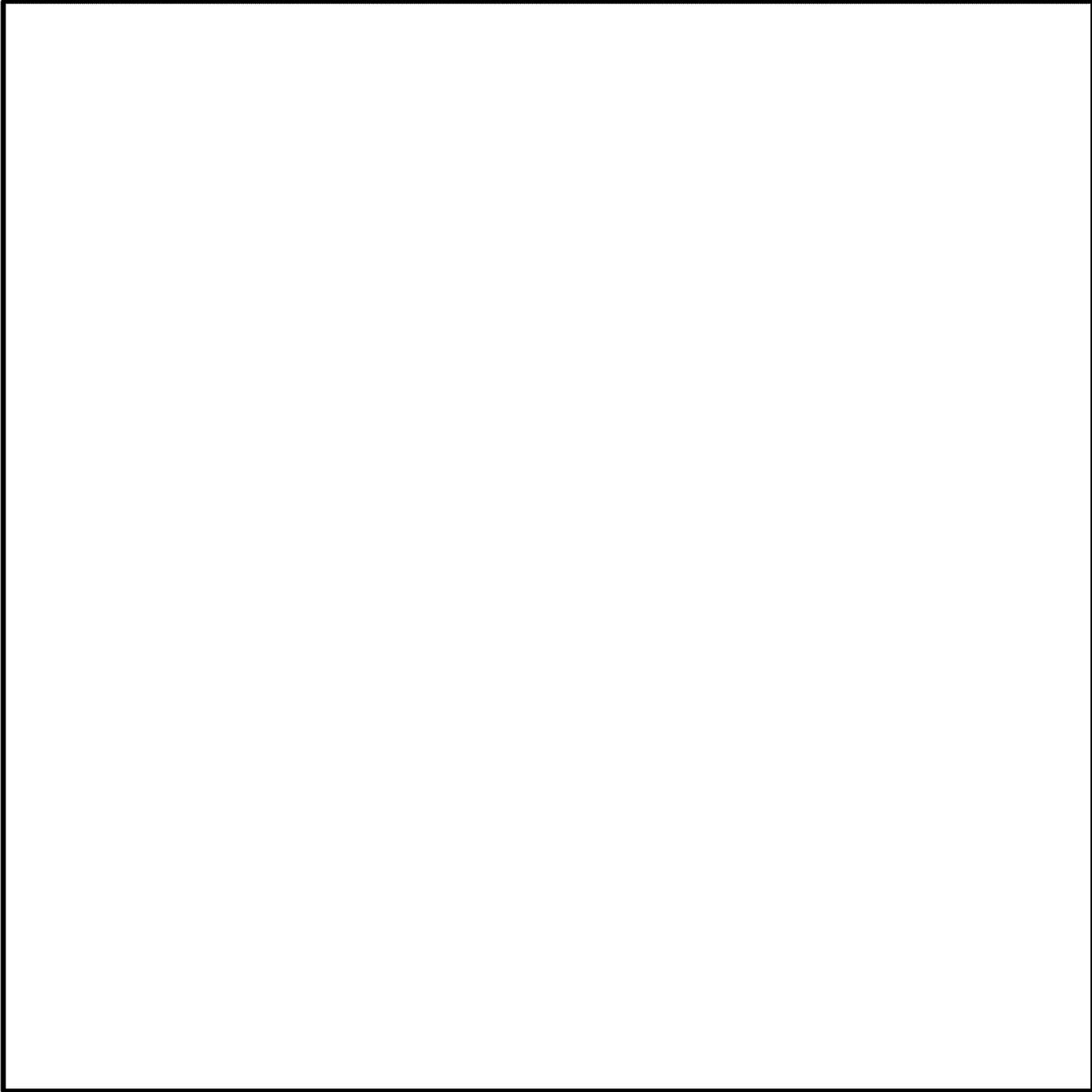
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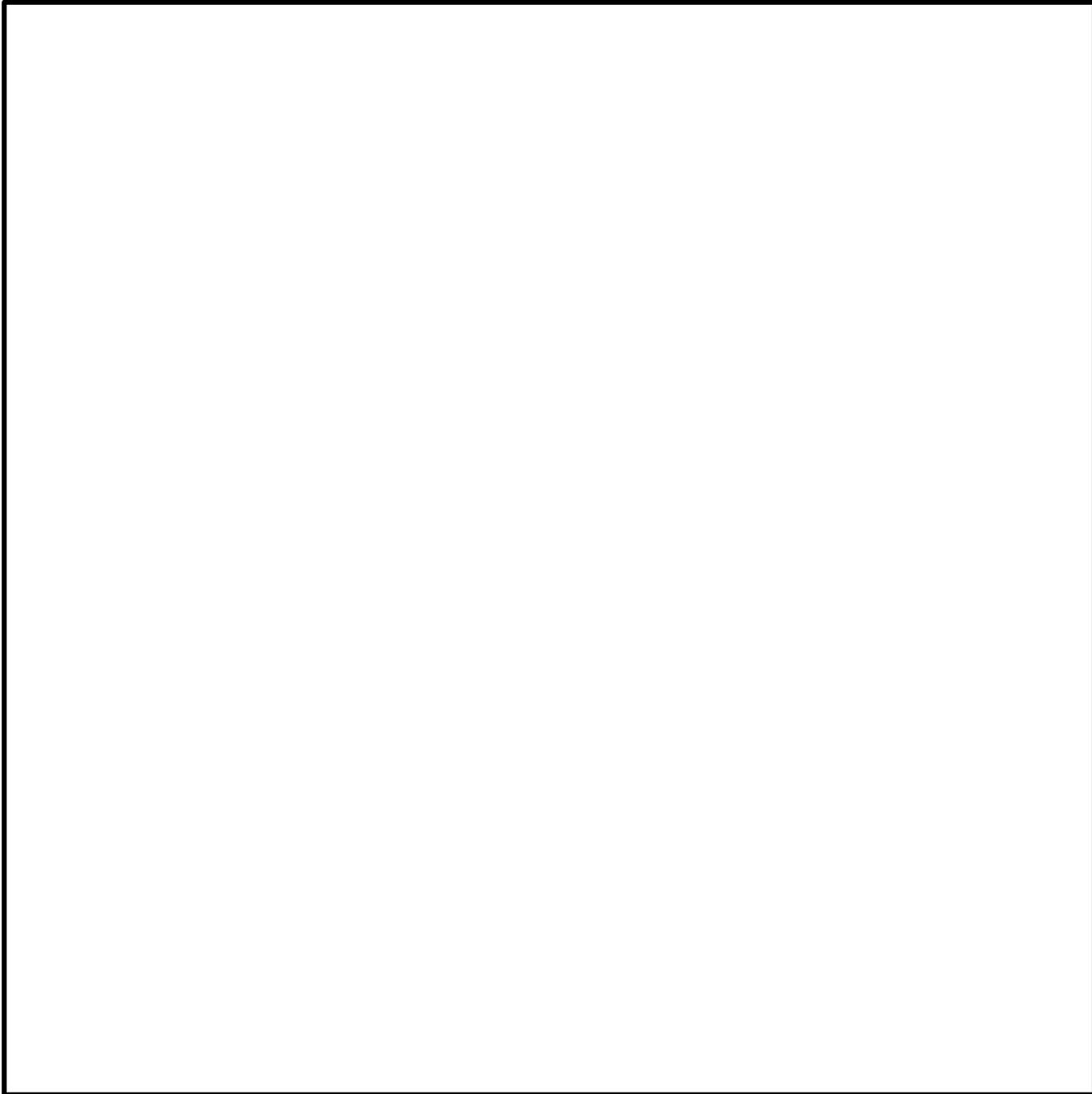
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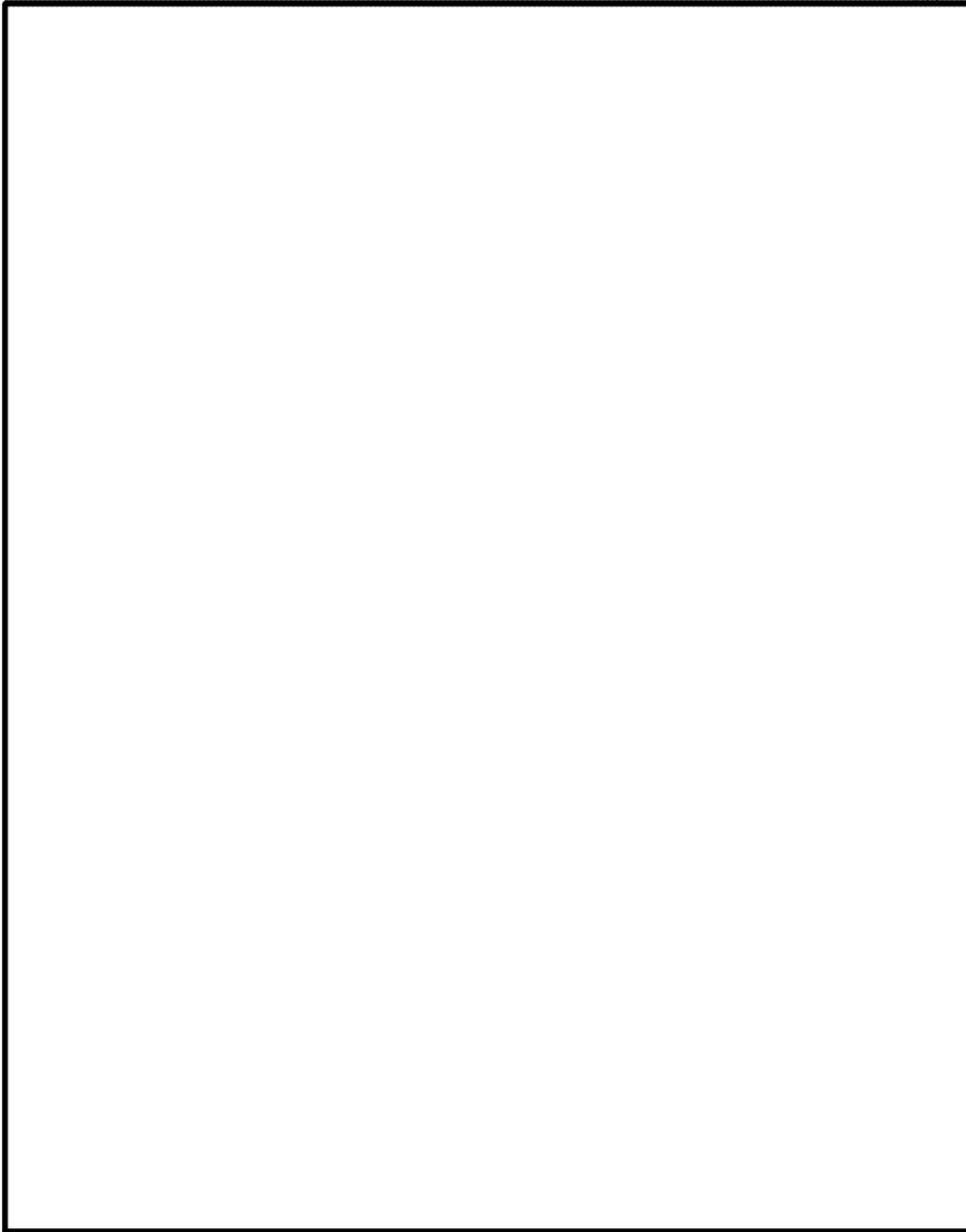
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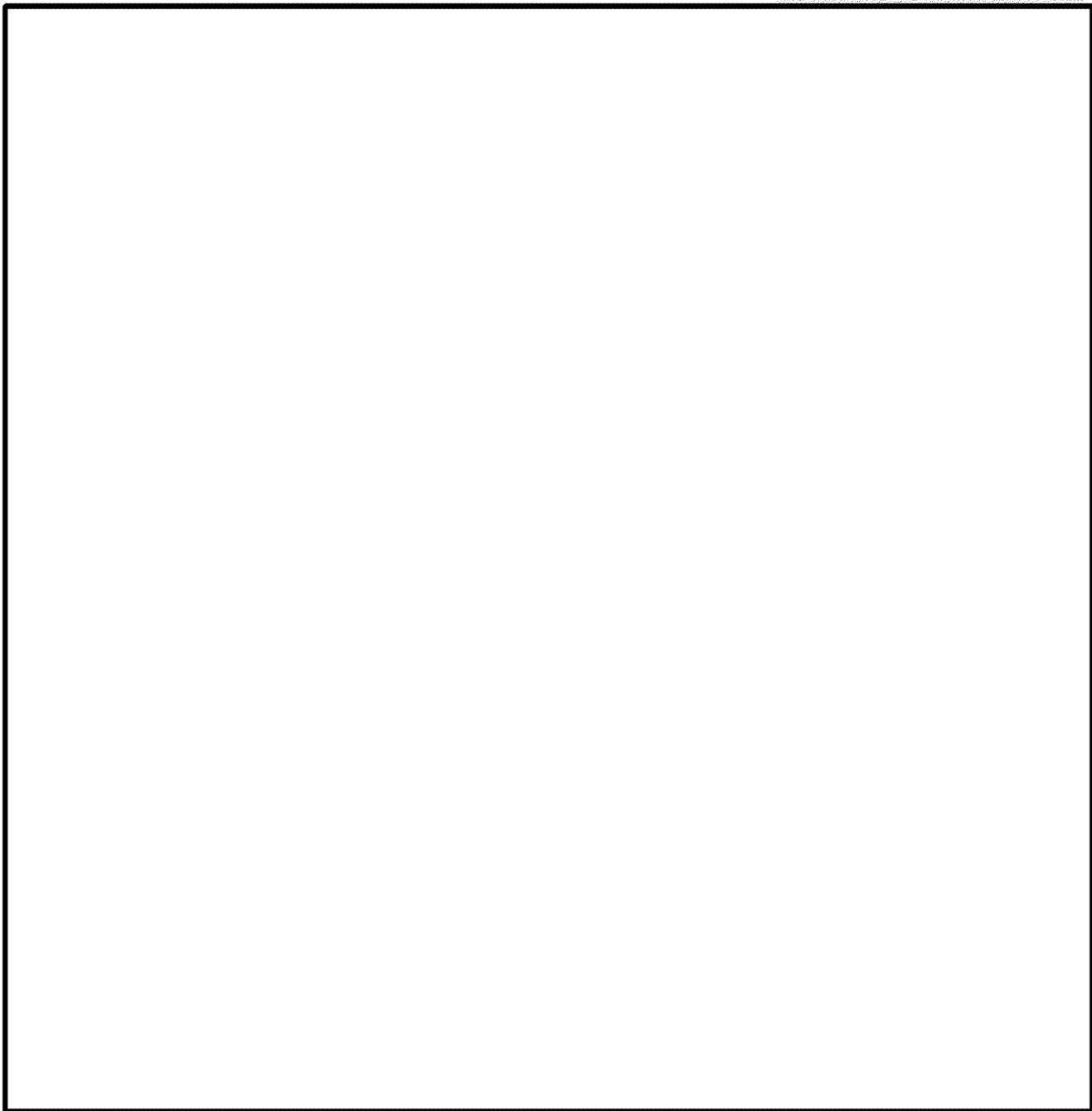
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TABLE OF CHANGES – INSTRUCTIONS
Form I-912, Request for Fee Waiver
OMB Number: 1615-0116
11/02/2015

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Reason for Revision: Clarifications needed on “head of household” and flow of information and removing repetitious information.

Current Section and Page Number	Current Text	Proposed Text
<p>Page 1, Introduction</p>	<p>[Page 1]</p> <p>Introduction</p> <p>U.S. Citizenship and Immigration Services (USCIS) is funded largely by application, petition and biometrics services fees. Waiving a fee transfers the cost of processing applications and petitions to others through higher fees. However, we recognize that some individuals may not be able to pay the fees. If you want USCIS to consider waiving the fee for your application, petition, or biometrics services, follow the instructions below to complete Form I-912, Request for Fee Waiver. When you request a fee waiver, you must clearly demonstrate that <i>you are unable to pay the fee</i>. USCIS officers will evaluate all factors, circumstances, and evidence supplied in support of a fee waiver request when making a final determination. Each case is unique and will be considered on its own merits.</p> <p>For further guidance on fee waiver requests, visit our Web site at: www.uscis.gov/feewaiver.</p>	<div style="border: 2px solid black; height: 400px; width: 100%;"></div>
<p>Pages 1-2, Which Applications and Petitions Will USCIS</p>	<p>Which Applications and Petitions Will USCIS Consider for a Fee Waiver?</p> <p>You may use Form I-912 to request a fee</p>	

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<p>Consider for a Fee Waiver?</p>	<p>waiver for any of the following benefit requests or services:</p> <ol style="list-style-type: none"> 1. Form I-90, Application to Replace Permanent Resident Card; 2. Form I-131, Application for Travel Document, can be waived for those applying for humanitarian parole; 3. Form I-192, Application for Advance Permission to Enter as Nonimmigrant (Under Section 212(d)(3)(A)(ii) of the Immigration and Nationality Act (INA)). The fee for Form I-192 can only be waived for an alien who is not subject to a determination of his or her likelihood of becoming a public charge under section 212(a)(4) of the INA; and for individuals with any benefit request as specified by section 245(1)(7) of the INA; 4. Form I-290B, Notice of Appeal or Motion. The fee for Form I-290B can be waived only if the underlying application or petition was fee exempt, the fee was waived, or it was eligible for a fee waiver; 5. Form I-485, Application to Register Permanent Residence or Adjust Status. A fee waiver is only available if you are applying for lawful permanent resident status based on: <ol style="list-style-type: none"> a. "T" nonimmigrant status (victim of human trafficking) or "U" nonimmigrant status (victim of certain crimes who has assisted in an investigation or prosecution); b. Asylum status in the United States; c. Approved status as a battered or abused spouse, child, or parent of a U.S. citizen or lawful permanent resident; d. Special Immigrant Juvenile status based on an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant; e. An adjustment provision that does not require you to prove that you are not likely to become a public charge, such as the Cuban Adjustment Act, the Haitian Refugee Immigration Fairness Act. 	
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	<p>continuous residence in the United States since before January 1, 1972, ("Registry"), or similar provision; and</p> <p>f. Special Immigrant Status based on an approved Form I-360 as an Afghan or Iraqi Interpreter, or Afghan or Iraqi National employed by or on behalf of the U.S. Government.</p> <p>6. Form I-539, Application to Extend/Change Nonimmigrant Status, for individuals with any benefit request as specified by section 245(l)(7) of the INA;</p> <p>7. Form I-751, Petition to Remove Conditions on Residence;</p> <p>8. Form I-765, Application for Employment Authorization, except if filing under category (c)(33), Deferred Action for Childhood Arrivals;</p> <p>9. Form I-817, Application for Family Unity Benefits;</p> <p>10. Form N-300, Application to File Declaration of Intention;</p> <p>11. Form N-336, Request for Hearing on a Decision in Naturalization Procedures Under Section 336 of the INA;</p> <p>12. Form N-400, Application for Naturalization;</p> <p>13. Form N-470, Application to Preserve Residence for Naturalization Purpose;</p> <p>14. Form N-565, Application for Replacement Naturalization/Citizenship Document;</p> <p>15. Form N-600, Application for Certificate of Citizenship;</p> <p>16. Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322; and</p> <p>17. Biometric services fees in connection with any application or petition, regardless of whether it is listed above, except if filing Form I-765, under the category for (c)(33), Deferred Action for Childhood Arrivals.</p>	
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	<p>Some applications and petitions do not require a fee at all, and so it is unnecessary to file a Form I-912. Other USCIS applications and petitions have fee exemption requirements for certain types of applicants and petitioners. In these cases, the fee exemption is outlined on the particular USCIS form and instructions and submission of a separate Form I-912 is not required. Consult our Web site for the instructions and fees for specific USCIS applications and petitions at: www.uscis.gov.</p>
New	
Pages 5-6, General Instructions	[Page 5] General Instructions

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Each request must be properly signed and filed. A photocopy of a signed request or a typewritten name in a place of a signature is not acceptable.

A request is not considered properly filed until accepted by USCIS.

Evidence. You must submit all required initial evidence and any supporting documentation with your request at the time of filing.

Copies. Unless specifically required that an original document be filed with a request, a legible photocopy may be submitted. Original documents submitted when not required may remain a part of the record and will not be automatically returned to you.

[Page 6]

Translations. Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

How to Fill Out Form I-912

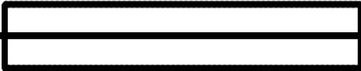
1. Type or print legibly in black ink.
3. Answer all questions fully and accurately. If an item does not apply to you, write "N/A" unless the instructions direct you to do something else. If the answer is none, write "None."
2. If extra space is needed to complete any

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	<p>item, attach a continuation sheet, write your name and Alien Registration Number (A-Number) (if any), at the top of each sheet of paper, indicate the Part and Item Number to which your answer refers, and date and sign each sheet.</p>
<p>Pages 6-7, Specific Instructions</p> <p>And</p> <p>Pages 2-5, Fee Waiver Request Review Process</p>	<p>[Page 6]</p> <p>Specific Instructions</p> <p>Section 3. Basis for Your Request</p> <p>This choice relates to you, the person named in Section 1.</p> <p>Line 7. a. If you or a relevant member of your household is currently receiving a means-tested benefit, check "7.a." and attach documentation. Please complete Sections 4 and 7 of the form. See STEP 1, Question 2 to determine if you can include information on other members of your household who may be receiving a means-tested benefit.</p> <p>Line 7. b. If your household income is at or below 150% of the Federal Poverty Guidelines, check "7.b." and attach documentation. Complete Sections 5 and 7 of the form.</p> <p>Line 7. c. If you have a financial hardship, check "7.c." and attach documentation. Complete Sections 5, 6, and 7 of the form.</p> <p>Section 1. Information About You</p> <p>This section is for the person who needs the fee waiver.</p> <p>If you are applying on behalf of a minor child, provide information about the minor child in this section. If you have dependents whose applications or petitions are part of the fee waiver request, provide additional information in Section 2.</p>

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	<p>If you have two last names, include both in the Family Name box and use a hyphen (-) if appropriate.</p> <p>Line 1. a. Family Name (Last Name). Line 1. b. Given Name (First Name). Line 1. c. Middle Initial.</p> <p>Line 2. Alien Registration Number. Enter your A-Number. If you do not have an A-Number, enter "N/A."</p> <p>Line 3. Date of Birth. Enter your date of birth as "mm/dd/yyyy." For example, enter May 1, 1979, as 05/01/1979.</p> <p>Line 4. Marital Status. Select "Never Married," "Divorced," "Marriage Annulled," "Married," "Widow(er)," or "Legally Separated."</p> <p>Line 5. Applications and Petitions. Enter the form number(s) of the application(s) and/or petition(s) for which you are requesting a fee waiver. The fee waiver request includes the biometrics services fee.</p>
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FOUO, PRE-PRECEDENTIAL

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where applicable.

Section 2. Additional Information for Dependent(s)

Line 6. Provide the requested information for each dependent. This can include your spouse, children, legal wards and parents.

[Page 7]

Section 4. Means-Tested Benefit

[Page 2, Fee Waiver Request Review Process]

1. What is a means-tested benefit and what effect does it have on my eligibility for a fee waiver?

a. A means-tested benefit is a public benefit where a person's eligibility for the benefit, or the amount of such benefit, or both, are determined on the basis of the person's income and resources, including those that may lawfully be deemed available to the person by the benefit-granting agency. Means-tested benefits may be either federally or state funded. For purposes of this fee waiver request only, USCIS will consider federal public benefits that you are receiving based on your means, regardless of whether the benefit is funded under the benefit-granting agency's mandatory or discretionary spending programs. In other words, the benefit does not need to have been specifically designated by the benefit-granting agency as a "federal means-tested benefit" for purposes of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 04-193, but your eligibility for the benefit must still depend on your income and other resources

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available to you. State agencies may assist in the local administration of federal means-tested public benefits.

b. Examples of means-tested benefit programs are Medicaid, Food Stamps (now a part of the "Supplemental Nutrition Assistance Program" or "SNAP" benefits), Temporary Assistance to Needy Families (TANF), and Supplemental Security Income (SSI), among others. These benefits have been designated as such for PRWORA purposes, however, there are also other federal public benefits that you may be receiving which are also "means- tested," but that are funded by the benefit-granting agency's discretionary spending programs. USCIS will consider your receipt of these benefits in determining your eligibility for a fee waiver. Please consult with your benefit-granting agency or your legal advisor to determine whether any federal public benefit that you are receiving qualifies as a benefit for which your eligibility is determined based on your "means".

c. States may also provide eligible individuals with state-funded public benefits where a person's eligibility for the benefit, the amount of the benefit, or both, are determined by the person's income and resources, including those that the state benefit-granting agency lawfully deems available to the person. Such benefits may also be considered "means-tested" benefits for purposes of this fee waiver request.

d. If you are receiving a means-tested benefit when you file Form I-912, we will consider you eligible for a fee waiver.

e. You must provide evidence that you are currently receiving a means-tested benefit. This evidence should be in the form of a letter, notice, and/or other official document(s) containing the name of the agency granting you the public benefit. The document(s) submitted must show the name of the recipient of the means-tested benefit and the name of the agency awarding the benefit.

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[Page 7, Specific Instructions]

Line 8. In the space provided, enter the name of the person receiving the benefit, the name of the agency awarding the benefit, the date the benefit was awarded, and whether the person is currently receiving the benefit.

2. Can other members of the family use the means-tested benefit as support for a fee waiver if not specifically identified in the evidence supporting the benefit?

a. If an applicant is receiving a means-tested benefit, then the spouse of the applicant will normally qualify for a fee waiver on that basis.

c. If a child or grandchild is receiving a means-tested benefit, parents or other family members will not necessarily qualify for a fee waiver.

b. If a parent is receiving a means-tested benefit, then his or her unmarried children under 21 years of age living with him or her will normally qualify for a fee waiver on that basis.

d. If an elderly parent living with his or her adult child is receiving SSI, the adult child

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cannot use this as evidence of eligibility for a fee waiver.

e. If you are not receiving a means-tested benefit, or do not want USCIS to consider receipt of a means-tested benefit in determining your eligibility for a fee waiver, we will look at the income level of your household and compare it to the Federal Poverty Guidelines.

If you listed a means-tested benefit and have evidence to support your claim, you may go directly to Section 7.

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[Page 7, Specific Instructions]

Line 13. If you are currently unemployed, enter the date that you became unemployed.

Line 14. If you are currently unemployed, enter the monthly dollar amount of unemployment compensation that you are receiving.

[Page 4, Fee Waiver Request Review Process]

3. Whom should I include when determining my household size?

a. If available, the members of your household should be identified on your Federal tax return.

b. If a Federal tax return has not been filed, or is not available, the following members of the household should be identified and included in determining size:

(1) You;

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	<p>(2) Your spouse; and</p> <p>(3) The following family members:</p> <p>(a) Your children or legal wards, who are unmarried and under 21 years of age, and who live with you;</p> <p>(b) Your children or legal wards, who are unmarried and are over 21 years of age but under 24 years of age, are full-time students, and who live with you when not at school; and/or</p> <p>(c) Your children or legal wards, who are unmarried and for whom you are the legal guardian because they are physically or mentally disabled to the extent that they cannot adequately care for themselves and cannot establish, maintain, or re-establish their own household.</p> <p>(4) If your parents live with you, they can also be included as members of the household when determining size.</p> <p>[Page 7, Specific Instructions]</p> <p>Section 5. Household Income</p> <p>Line 9. Other than you, how many others in your household depend on the stated income?</p>	
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Line 10. Take your household wage income for the previous 12-month period and divide by 12, and enter the amount as your household's average monthly wage income.

[Page 3, Fee Waiver Request Review Process]

2. What evidence do I need to provide concerning household income?

You will have to document your household size and income. Household income includes all forms of income and financial assistance. Evidence may include:

- a. A copy of your most recent Federal tax return;
- b. If Federal tax returns are not filed, or do not properly reflect current income, submit copies of pay check stubs for a minimum of the past month, or statement(s) from your employer(s) on business stationery showing salary or wages paid.

[Page 4, Fee Waiver Request Review Process]

6. What if I am a full-time college or vocational student?

a. If you are a student under 24 years of age, and over 21 years of age and unmarried, and can be claimed as a dependent on your parent's Federal tax return, you can file a fee waiver request. You should provide a copy of your parent's Federal tax return along with your Federal tax return as supporting documentation.

b. If you are a student and are not claimed

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as a dependent on your parent's Federal tax return, the fee waiver request will be based on your income only. You should provide a copy of your Federal tax return as supporting documentation.

7. What if I am recently unemployed and my last year's Federal tax return shows my household income above 150% of the Federal Poverty Guidelines? If you are recently unemployed, you may not be able to show that your annual income is at or below 150% of the Federal Poverty Guidelines based on your most recent Federal tax return. See STEP 3.

8. What if I cannot provide evidence of income?

Please refer to STEP 3 for guidance on evidence to provide.

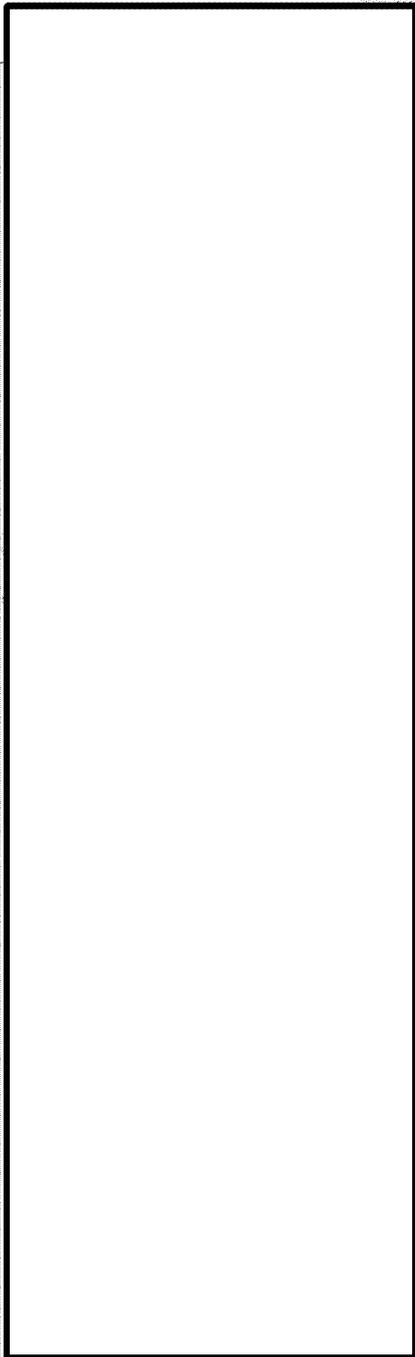
[Page 3, Fee Waiver Request Review Process]

If you do not have any income, or cannot provide evidence of income, please describe your particular situation in Section 6 of Form I-912.

9. What if I am filing on behalf of, or as a Special Immigrant Juvenile (SIJ)?

The fee waiver request should be supported by one of the forms of evidence listed below:

c. An approval notice on a Form I-797, Notice of Action, for a Form I-360, filed for the SIJ.



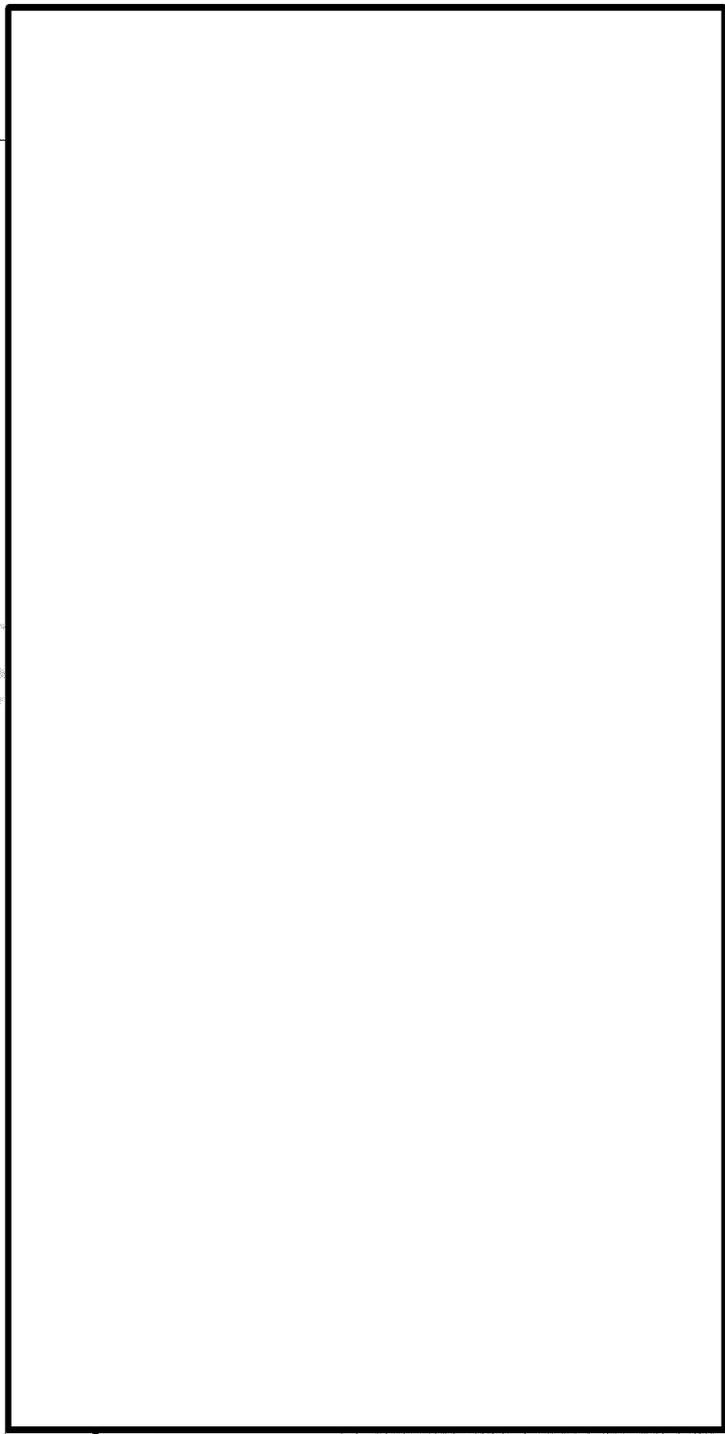
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	<p>a. A recent state or juvenile court order establishing dependency or custodial assignment of the SIJ;</p> <p>b. A letter from a foster care home or similar agency overseeing the SIJ's custodial placement that describes the SIJ's inability to pay; or</p> <p>5. If I am separated, do I need to count my spouse in my household size and include their income as part of my household income?</p> <p>a. If you are legally separated, you do not need to include your spouse in your family size. However, be sure you include in your household income any support that your spouse provides to your household.</p> <p>b. Persons applying for immigration benefits under the provisions of the Violence Against Women Act (VAWA), and those applying for T or U Visas under the Victims of Violence and Trafficking Protection Reauthorization Act, should not provide spouse's income.</p>	
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	<p>Line 11. Enter other money received each month that is not included in Line 14. This could include spousal support, child support, unemployment compensation, etc.</p>
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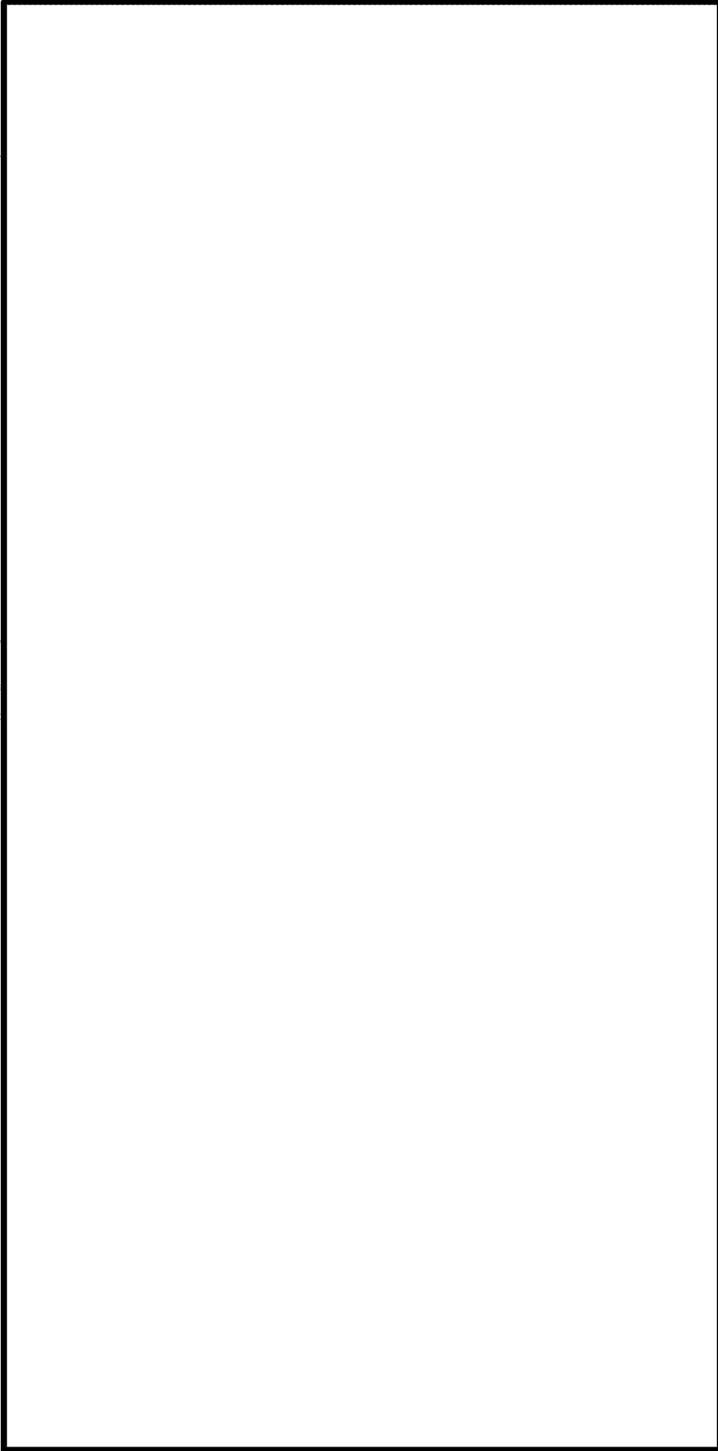
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	<p>USCIS will compare the Total amount to the Federal Poverty Guidelines.</p>
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[Page, 7, Specific Instructions]

Section 6. Financial Hardship

Line 12. In the space provided, describe your particular situation. Be sure to include how this situation has caused you to incur costs (and what the costs were) or loss of income that you have experienced (and what that loss was). If you need additional space, attach a separate sheet of paper. Complete this section in English; otherwise, provide an accompanying English translation.

Line 15. In the space provided, enter the type(s) of asset(s) you have, the dollar value of those asset(s), and the total dollar value of your asset(s). If you need additional space, attach a separate sheet of paper.

Line 16. In the space provided, enter your average monthly costs for the categories provided. Provide evidence of monthly payments where possible. If you need additional space, attach a separate sheet of paper.

FOUO, PRE-PRELIMINARY

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Section 7. Your Signature and Authorization

Line 17. After you read the release statement, sign and date Form I-912. By doing this, you take full responsibility for the accuracy of all the information provided, including all supporting documentation. You also authorize the release of any information, including the release of your Federal tax returns, that USCIS needs to determine your eligibility.

NOTE: Each person applying for a fee waiver must sign and date Form I-912.

a. If you are at least 14 years of age or older, you must sign and date Form I-912.

b. Your parent or legal guardian may sign and date Form I-912 for you if you are under 14 years of age.

c. Your parent or legal guardian may also sign and date Form I-912 for you if you are unable to sign because you are not mentally competent to manage your own affairs, no matter what your age.

FOUO, PRELIMINARY DECISION

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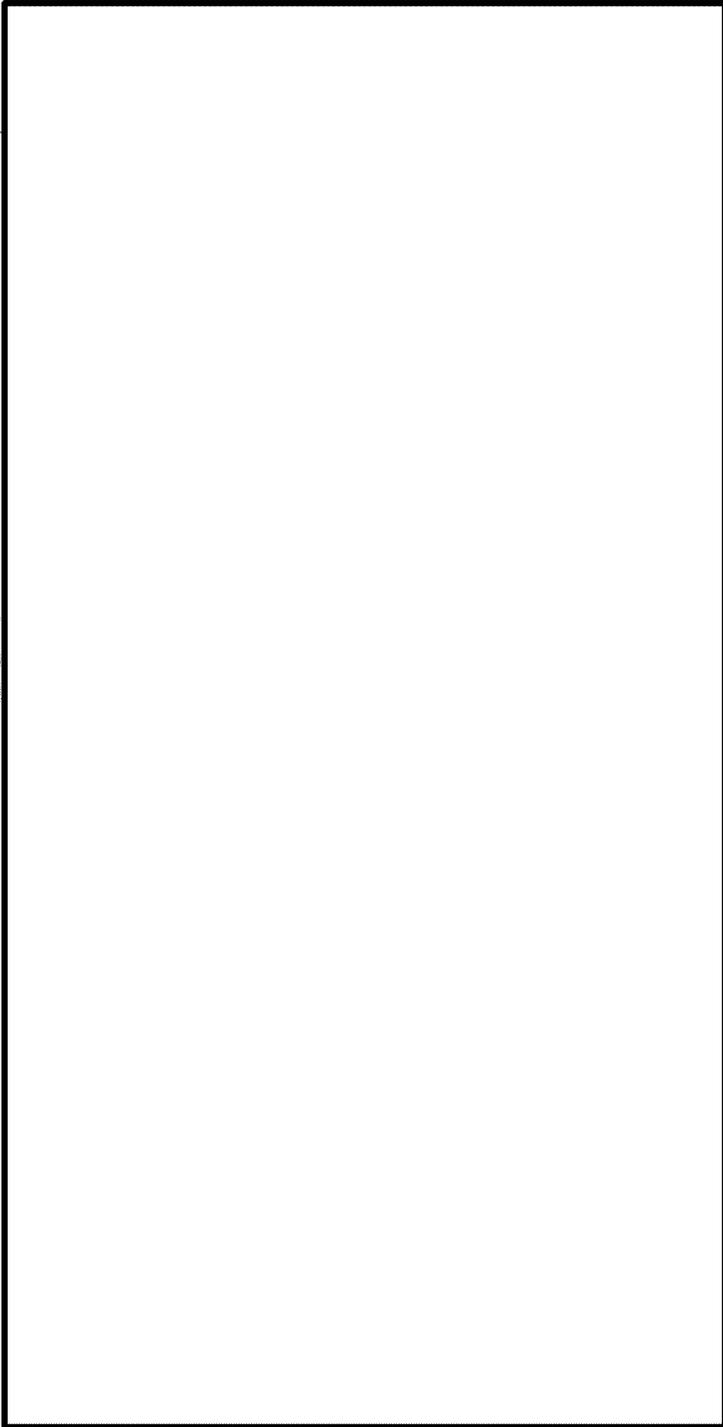
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FOUO, PRE-PREDECISIONAL

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New	
Page 8, Filing Your Request	<p>[Page 9]</p> <p>Filing Your Request</p> <p>To file your completed Form I-912, attach it and all supporting documentation to the application(s) or petition(s) that you are submitting.</p> <p>Your completed USCIS application(s) or petition(s), Form I-912, and all supporting documentation should be mailed to the USCIS office according to the "Where to File" directions in the application or petition form instructions to which the Form I-912 relates. Form I-912 cannot be submitted after USCIS has received the underlying application(s) or petition(s).</p>
Page 9, Additional Information	<p>[Page 9]</p> <p>Additional Information</p> <p>If we approve your fee waiver request, we will notify you with a notice that your application or petition has been received and the filing amount is \$0. If we deny your</p>

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	<p>request, we will notify you with a notice rejecting your application(s) or petition(s) and an explanation of why the fee waiver request was denied. Your complete package will be returned to you. You may either resubmit your application(s) or petition(s) and fee waiver request with the required additional documentation or submit the necessary fee for the application(s) or petition(s).</p> <p>IMPORTANT NOTE: If USCIS denies your fee waiver request, please pay close attention to the information on resubmitting your application or petition that will be in the USCIS notice denying your fee waiver request. For certain immigration benefits, you may have only a limited period of time in which to resubmit your application or petition with the proper fee.</p>
Page 9, Penalties	<p>[Page 9]</p> <p>Penalties</p> <p>If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, USCIS will deny the benefit you are filing for, and may deny any other immigration benefit.</p> <p>In addition, criminal penalties can be imposed for knowingly and willingly falsifying or concealing a material fact or submitting a false document. See 8 U.S.C. Section 1324c.</p>
Page 9, USCIS Privacy Act Statement	<p>[Page 9]</p> <p>USCIS Privacy Act Statement</p> <p>AUTHORITIES: Section 286 of the Immigration and Nationality Act, as amended and 8 C.F.R. 103.7(c) authorize USCIS to collect the information and associated evidence on this form.</p> <p>PURPOSE: The primary purpose for providing the requested information on this form is to determine if you have established eligibility for a fee waiver for the associated immigration benefit for which you are filing.</p>

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	<p>DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information may delay a final decision or result in the denial of the fee waiver request and rejection of your application or petition based on non-payment of the fee.</p> <p>ROUTINE USES: The information you provide on this form may be shared with other Federal, State, local and foreign government agencies in accordance with approved routine uses, as described in the associated published system of records notice [DHS/USCIS/ICE/CBP-001 - Alien File, Index, and National File Tracking and DHS-USCIS-007 - Benefits Information System System of Records], which can be found at www.dhs.gov/privacy. The information may also be made available, as appropriate for law enforcement purposes or in the interest of national security.</p>
<p>Page 9, Paperwork Reduction Act</p>	<p>[Page 9]</p> <p>Paperwork Reduction Act</p> <p>An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 1 hour and 10 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave., NW, Washington, DC 20529-2140; OMB No. 1615-0116. Do not mail your</p>

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	completed Form I-912 to this address.
Pages 2-5, Fee Waiver Request Review Process	[Page 2] Fee Waiver Request Review Process How will USCIS determine if I qualify for a fee waiver? USCIS will review your Form I-912 according to the process described below. Additional details, including evidence, need to be provided as explained in each step below: STEP 1. Are you receiving a means-tested benefit? If you are, and you have provided sufficient evidence, your fee waiver request will normally be approved and no further information will be required. STEP 2. Is your household income at or below 150% of the Federal Poverty Guidelines at the time of filing? If it is, and you have provided evidence, your fee waiver request will normally be approved. STEP 3. Do you have some financial hardship situation such as recent unemployment, high medical expenses, and/or other unexpected large expenses that you would want USCIS to consider when determining eligibility for a fee waiver? If you do, you must provide evidence to support your claim. [Page 3] STEP 2 1. How will you use my household income information to determine my eligibility for a fee waiver?

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	<p>a. We will compare your household income with the Federal Poverty Guidelines in effect at the time of filing as established by the Secretary of Health and Human Services. These guidelines change every year. To obtain information on the current Federal Poverty Guidelines, visit our Web site at www.uscis.gov, select "Forms" and review Form I-912P, Poverty Guidelines for Fee Waiver Request.</p> <p>b. If your household income is at or below 150% of the Federal Poverty Guidelines, you will qualify for a fee waiver. If your household income is over 150% of the Federal Poverty Guidelines, and if you have a financial hardship that would impact your ability to pay, such as large medical bills or other unexpected expenses, see STEP 3.</p> <p>[Page 4]</p> <p>4. Will I include the income of a person living with me if that person is not part of my household for tax purposes?</p> <p>a. If a person is living with you, and provides more than 50% of your support, you should provide evidence of that person's income.</p> <p>b. Similarly, if you are living with someone and he or she provides more than 50% of your support, you should provide evidence of that person's income. You must provide a copy of the most recent Federal tax returns of the person with whom you are living.</p> <p>[Page 5]</p> <p>STEP 3</p> <p>1. What if I believe special circumstances warrant a fee waiver even though my income puts me above 150% of the Federal Poverty Guidelines?</p> <p>a. You will need to provide us with a description of your financial hardship in Section 6 of the form, as well as the following:</p>	
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	<p>(1) Income as described above; and</p> <p>(2) Information concerning your assets. Assets include: real estate, property, cash, checking and savings accounts, stocks, bonds, and annuities (except for pension plans and Individual Retirement Accounts (IRAs)). You need to provide evidence regarding the types and value of your assets.</p> <p>b. Information concerning your liabilities and expenses. Liabilities and expenses for this purpose include: the cost of rent, mortgages, leases, the average monthly cost for food, utilities, child care and elder care, medical expenses, tuition costs, commuting costs, monthly payments on any lawful debts and any other unexpected expenses. You need to provide evidence, where possible, such as copies of monthly bills and/or payments.</p> <p>2. What if I cannot provide evidence of income?</p> <p>You will need to provide us with a description of your financial hardship and why you cannot provide any evidence in support of your income in Section 6 of the form. If possible, any evidence can be provided by affidavits from churches and other community-based organizations indicating that you are currently receiving some benefit from that entity.</p>	
<p>Pages 7-8, Specific Information</p>	<p>[Page 7]</p> <p>Specific Information</p> <p>1. Is there a fee for filing Form I-912?</p> <p>There is no filing fee for the Form I-912.</p> <p>2. Can I file one fee waiver request for all members of my family applying for immigration benefits ?</p> <p>Yes. However, each person applying for a fee waiver must sign Form I-912. These individuals should be identified in Sections 1 and 2 of Form I-912. Please see the</p>	<p>[Deleted]</p>

	<p>section of these instructions entitled "Your Signature and Authorization".</p> <p>[Page 8]</p> <p>3. Can I file a Form I-912 without an application or petition?</p> <p>No. Form I-912 must be filed with an application or petition requesting an immigration benefit. In addition, you must file a new Form I-912 with any subsequent application or petition.</p> <p>4. If I am filing more than one application or petition at the same time, do I need to include a fee waiver request for each application and/or petition?</p> <p>No. You can file one fee waiver request covering all applications, petitions, and biometrics services fees filed for that applicant or petitioner in the same envelope.</p> <p>5. Some form instructions mention a filing fee and a biometrics services fee; can both be waived? Do I have to file a separate Form I-912 for the filing fee and biometrics services fee?</p> <p>You do not have to file a separate Form I-912 for the filing fee and the biometrics services fees. If we approve your Form I-912, we will waive both the filing and biometrics services fees.</p> <p>6. Will requesting a fee waiver affect my current immigration status?</p> <p>a. Relying primarily on public cash assistance for income maintenance can affect an individual's eligibility for some immigration benefits, depending on the totality of the circumstances. The applicant may be inadmissible as an alien likely to become a public charge, or may be deportable for already having become a public charge within 5 years of entry for reasons that arose before entry. You will find detailed guidance on these issues published in the May 26, 1999, edition of the Federal Register (64 Fed. Reg. 28689) and on the USCIS Web site at www.uscis.gov by searching for "Public Charge."</p>	
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	<p>b. USCIS will not consider the possibility that you might be inadmissible or deportable as a "public charge" in deciding on your fee waiver request. However, being inadmissible as a public charge may make you ineligible for the benefit you seek. The fee waiver determination, however, is made separately from the adjudication of your eligibility for the USCIS benefit.</p> <p>c. USCIS will deny an application or petition that has been determined to involve false documentation, misrepresentations of facts, or other fraud, including this fee waiver request.</p> <p>7. What if someone filed an affidavit of support for me?</p> <p>If someone filed a Form I-134, Affidavit of Support or Form I-864, Affidavit of Support under Section 213A of the Act, that person may still be responsible for supporting you and may be sued for repayment of public assistance provided to you. However, we will not consider that person's income or assets in deciding whether you are eligible for a fee waiver.</p>	<p>(b)(5)</p>
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**TABLE OF CHANGES – FORM
Form I-912, Request for Fee Waiver
OMB Number: 1615-0116
11/02/2015**

Reason for Revision: Clarifications needed on “head of household” and flow of information and removing repetitious information.

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Current Section and Page Number	Current Text	Proposed Text
Page 1	Before you fill out this form, please read the instructions.	
Page 2, Section 3. Basis for Your Request <i>(Check any that apply. For additional information, see the form instructions.)</i>	<p>[Page 2]</p> <p>Section 3. Basis for Your Request <i>(Check any that apply. For additional information, see the form instructions.)</i></p> <p>Line 7.a. I am or a relevant member of my household is currently receiving a means-tested benefit. <i>(Complete Sections 4 and 7.)</i></p> <p>Line 7.b. My household income is at or below 150% of the Federal Poverty Guidelines. <i>(Complete Sections 5 and 7.)</i></p> <p>Line 7.c. I have a financial hardship. <i>(Complete Sections 5, 6, and 7.)</i></p>	
Page 1, Section 1. Information About You <i>(Provide information about yourself. If you are</i>	<p>[Page 1]</p> <p>Section 1. Information About You <i>(Provide information about yourself. If you are applying for a minor child, provide information about the minor child.)</i></p>	

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applying for a minor child, provide information about the minor child.)

Line 1.a. Family Name (Last Name)
Line 1.b. Given Name (First Name)
Line 1.b. Middle Name

Line 2. Alien Registration Number

Line 3. Date of Birth

Line 4. Marital Status
Never Married
Divorced
Marriage Annulled
Married
Widow(er)
Legally Separated

Page 1,
Section 1. Information About You (Provide information about yourself. If you are applying for a minor child, **provide information about the minor child.**)

And

Section 2. Additional Information for Dependent(s)

[Page 1]

[Section 1. Information About You]

Line 5. Applications and Petitions (Enter the form number(s) of the application(s) and/or petition(s) for which you are requesting a fee waiver.)

[Section 2. Additional Information for Dependent(s)]

Line 6. Complete the Table below if applicable. (If you need more space, attach a separate sheet of paper.)

[Table of 5 columns and 7 rows]

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	Name (First, MI, Last) A-Number (If applicable) Is Individual Included in Fee Waiver Request? Date of Birth (mm/dd/yyyy) Relationship to You
Page 2, Section 4. Means-Tested Benefit	[Page 2] Section 4. Means-Tested Benefit Line 8. Complete the Table Below (If you need more space, attach a separate sheet of paper.) [Table of 4 columns and 8 rows] Name of Person Receiving the Benefit Name of Agency Awarding Benefit Date Benefit Was Awarded Is This Benefit Being Received Now?
Page 2, Section 5. Household Income (Provide evidence of monthly income or other support.)	[Page 2] Section 5. Household Income (Provide evidence of monthly income or other support.)

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Line 9. Other than you, how many others in your household depend on the stated income?

Line 10. Average monthly wage income from household members

Line 11. Enter other money received each month that is not included in **Line 14**. (This could include spousal support, child support,

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	<p>unemployment, etc.)</p> <p>TOTAL (USCIS will compare this amount to Federal Poverty Guidelines)</p>
<p>Pages 3-4, Section 6. Financial Hardship</p>	<p>[Page 3]</p> <p>Section 6. Financial Hardship</p> <p>Line 12. Describe your particular situation. Be sure to include how this situation has caused you to incur costs (and what the costs were) or loss of income that you have experienced (and what that loss was). Complete this section in English; otherwise, provide an accompanying English translation. <i>(If you need more space, attach a separate sheet of paper.)</i></p> <p>If you are currently unemployed, you must</p>

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complete Lines 13 and 14.

Line 13. Date you became unemployed

Line 14. Amount of unemployment compensation (monthly) that you are receiving (enter dollars)

Line 15. List your assets and the value of your assets. *(If you need more space, attach a separate sheet of paper.)*

[Table of 2 columns and 7 rows]
Type of Asset
Value (enter dollars)
TOTAL Value of Assets

Line 16. List your average monthly costs, and provide evidence of monthly payments where possible. *(If you need more space, attach a separate sheet of paper.)*

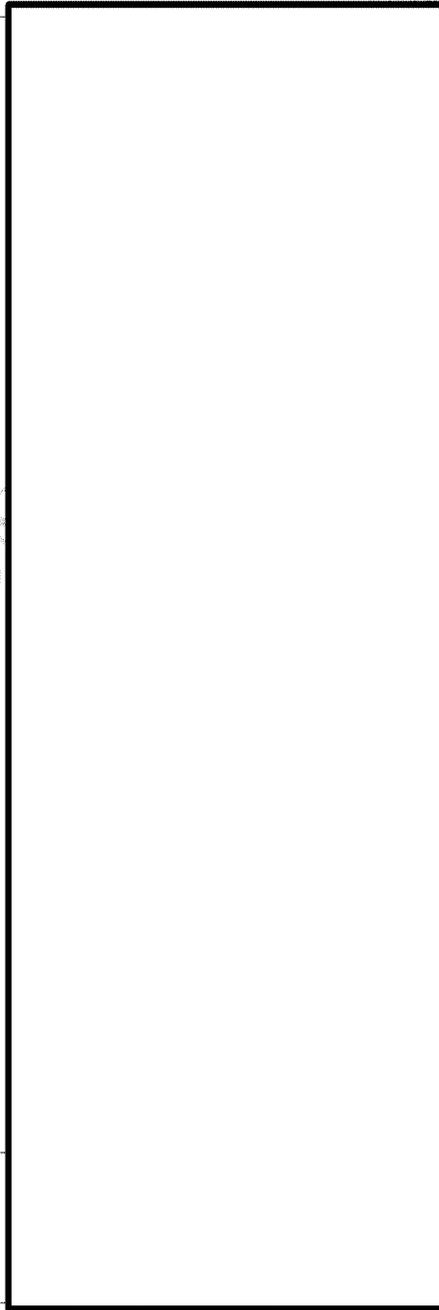
[Table of 2 columns (side by side) and 12 rows]
Type of Cost
Value (Enter Dollars)

Rent
Mortgage
Food
Utilities
Child/Elder Care
Insurance
Loan Payment

Commuting Costs
Medical
School
Other Expenses

TOTAL Monthly Costs

Pages 4-5, Section 7. Your Signature and Authorization



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I take full responsibility for the accuracy of all the information provided, including all supporting documentation. I authorize the release of any information, including the release of my Federal tax returns, that USCIS needs to determine my eligibility.

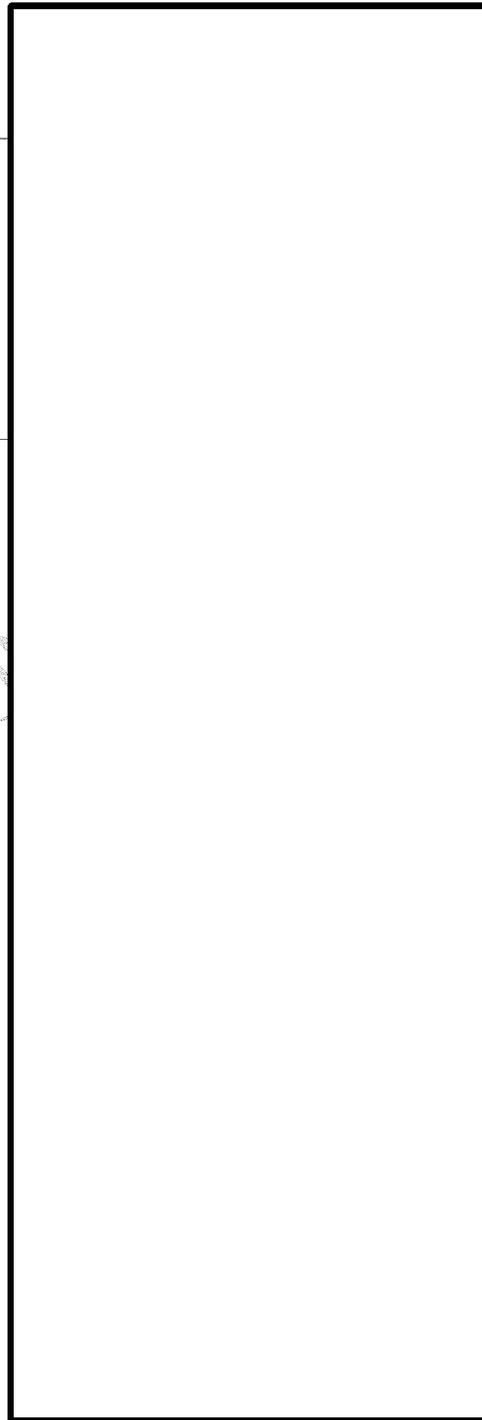
Each person applying for a fee waiver request must sign Form I-912. This includes individuals identified in Sections 1 and 2 if 14 years of age or older. (If you need more space, attach a separate sheet of paper.)

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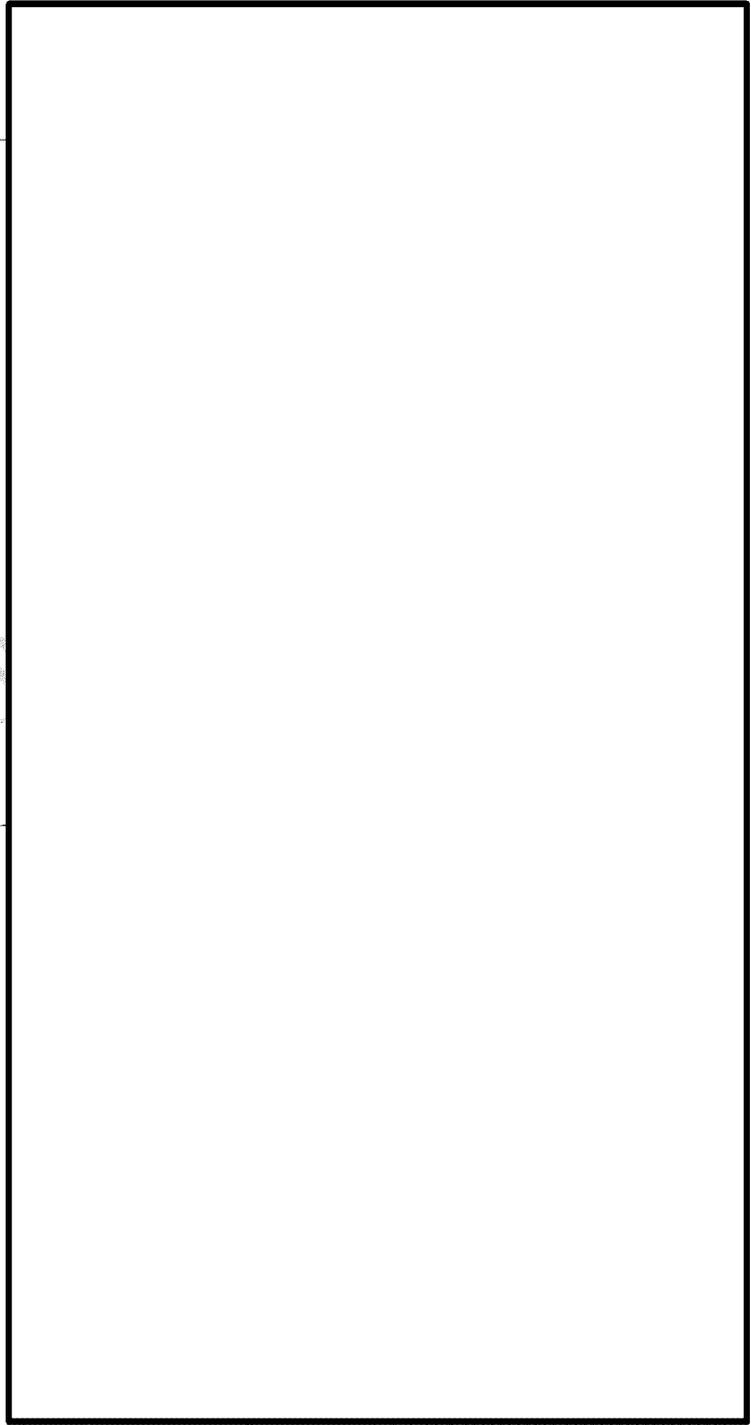
	<p>Line 17.5 Printed Name Your Signature Date (mm/dd/yyyy)</p> <p>Line 17.6 Printed Name Your Signature Date (mm/dd/yyyy)</p> <p>Line 17.7 Your Signature Date (mm/dd/yyyy) Printed Name</p>
<p>New</p>	



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New	



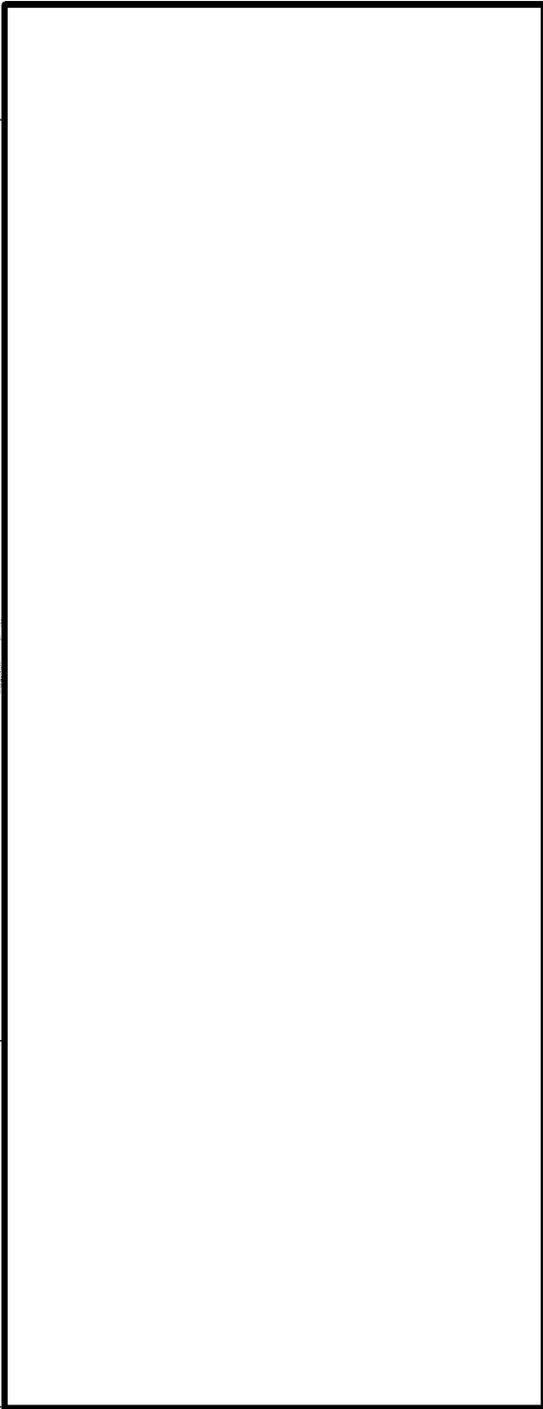
FOUO, PRE-DECISIONAL

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(b)(5)

New	



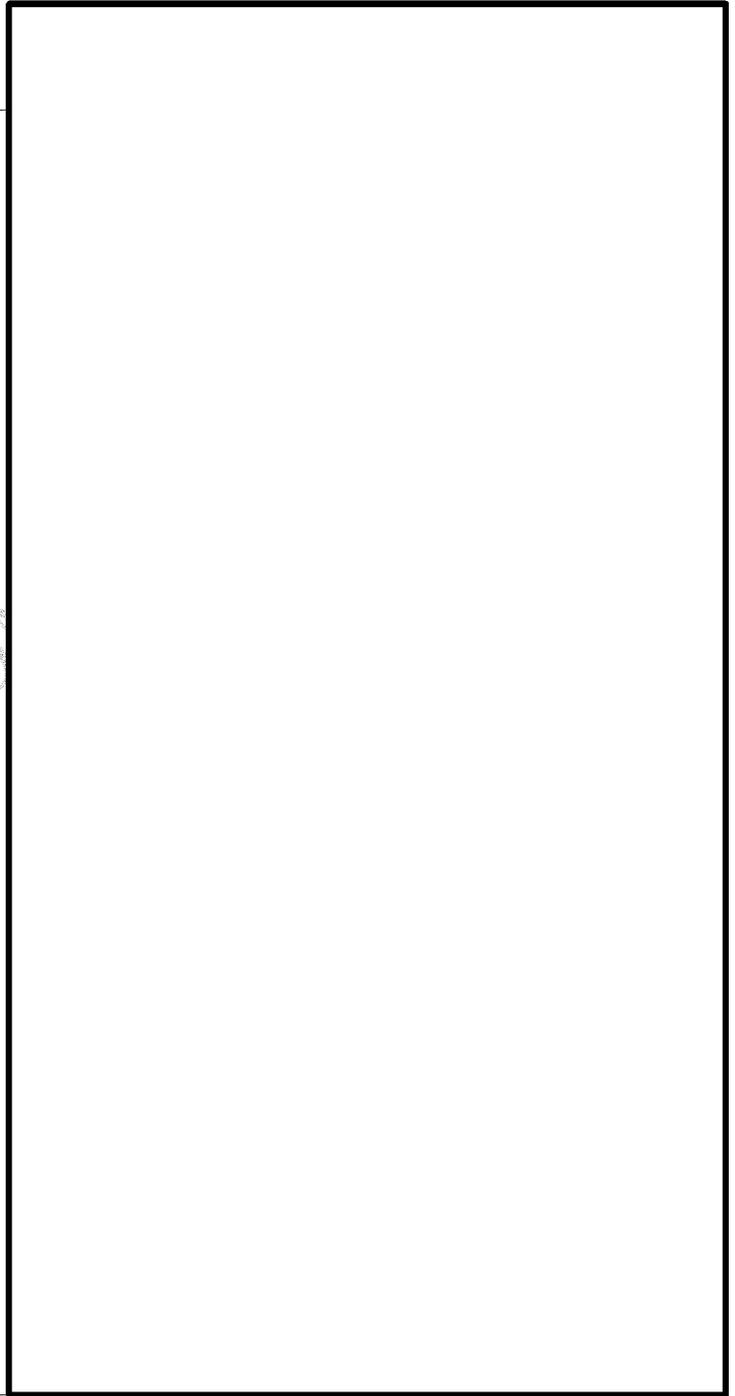
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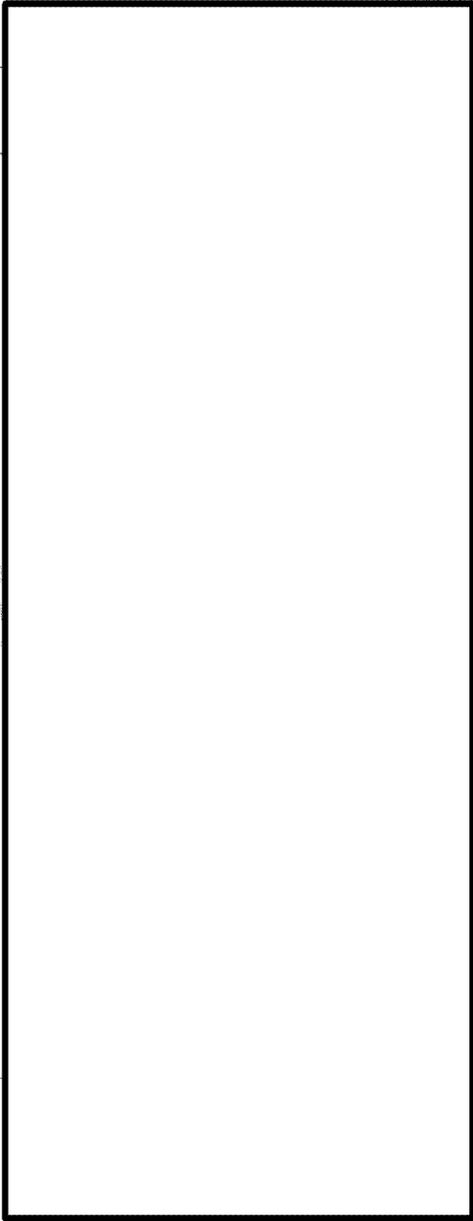
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(b)(5)

New	

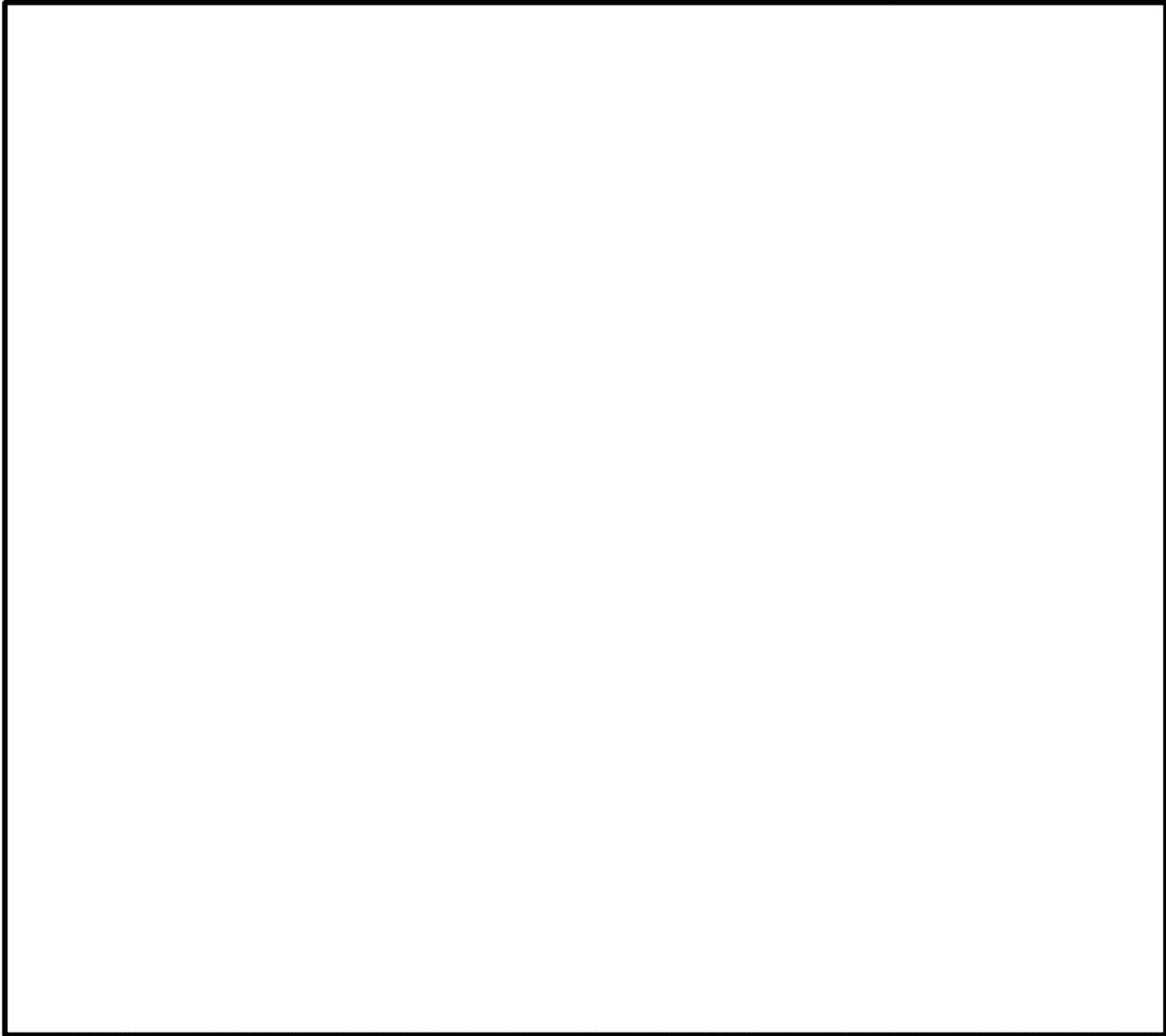


FOUO, PRE-DECISIONAL DRAFT

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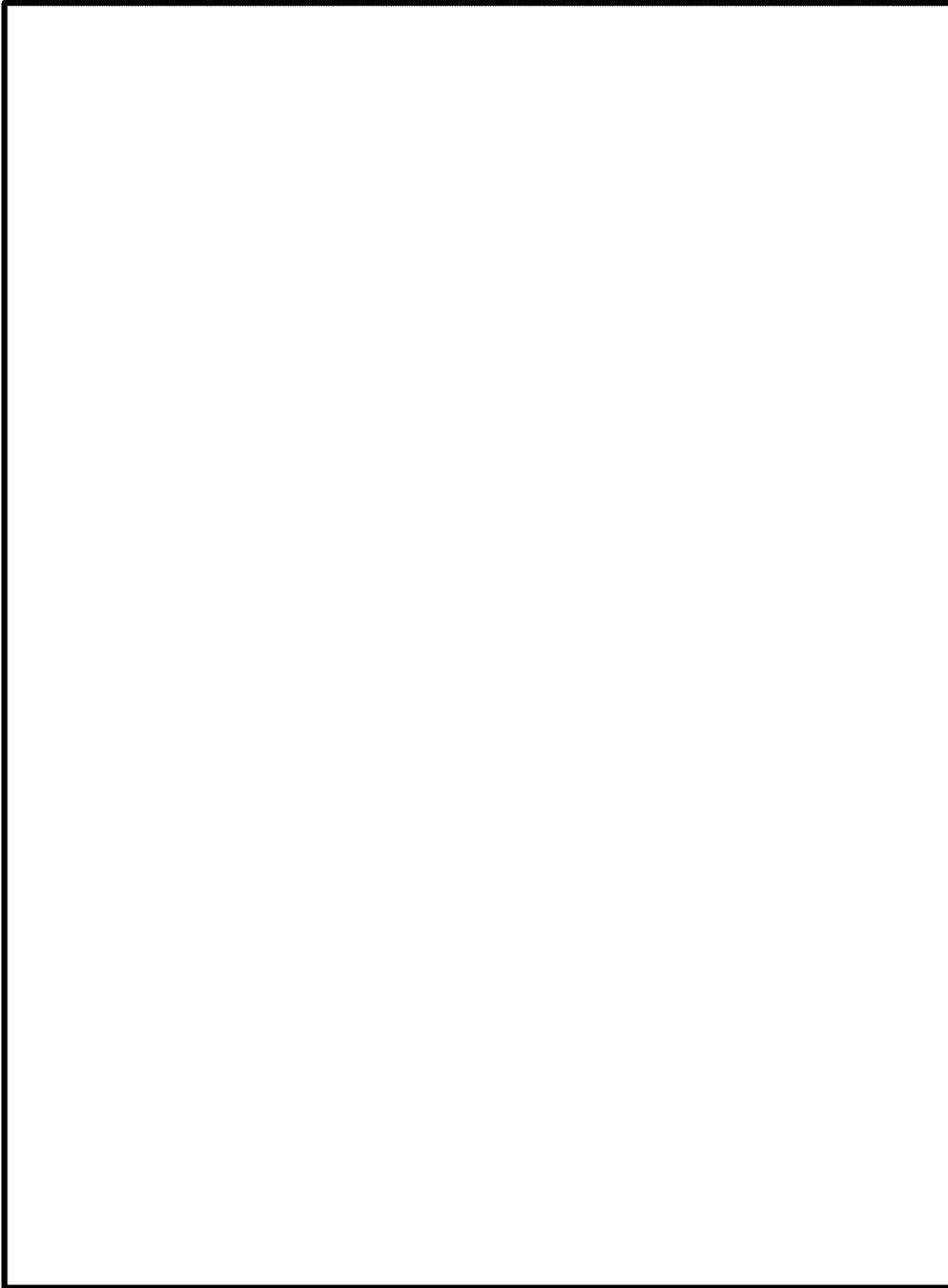
(b)(5)

I-912. Request for Fee Waiver



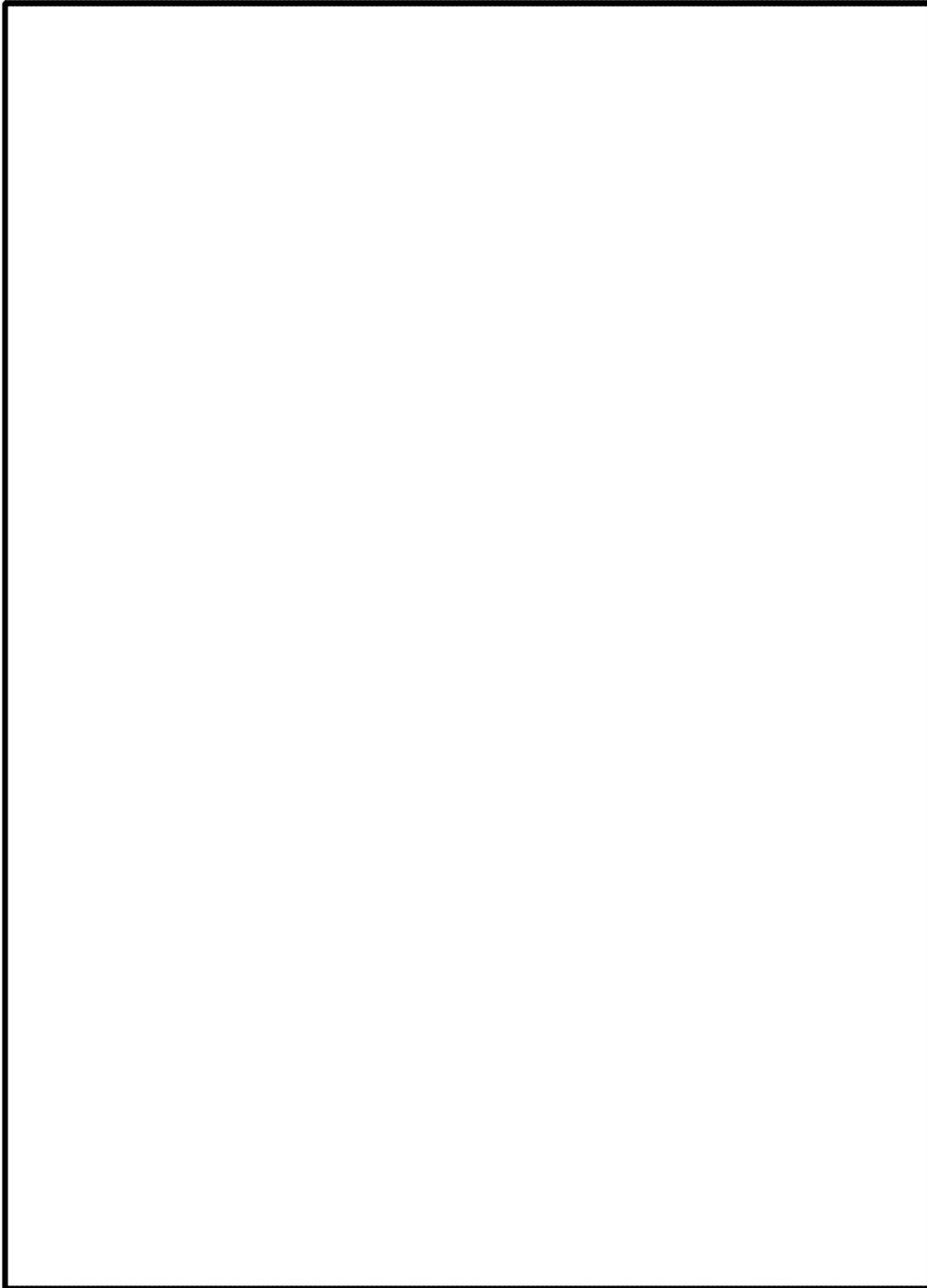
FOUO, PRE-DECISIONAL DRAFT Page 1

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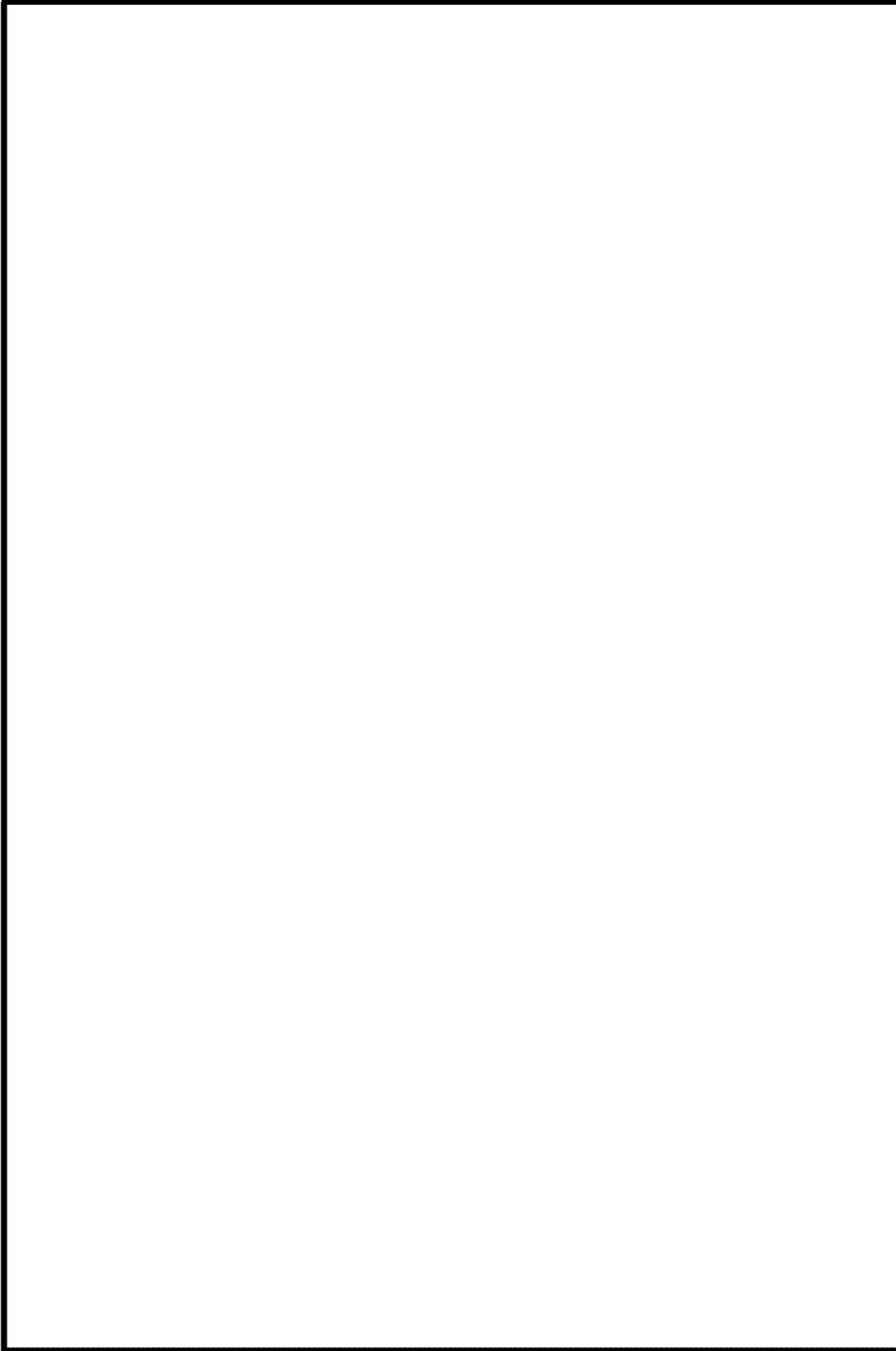
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Form I-912, Request for Fee Waiver, 2015 Revision

Executive Summary

In November 2010, USCIS established a new fee schedule for immigration benefit requests. It also amended the regulations governing fee waiver eligibility. USCIS created Form I-912, Request for Fee Waiver to standardize the request process. In March 2011, USCIS issued the Fee Waiver Policy Memo guidance and in 2014, USCIS published the Fee Waiver Filing Tips to provide further guidance for submitting fee waiver requests.

Request for Fee Waiver, Form I-912, Revision Process and Timeline

Form I-912 expired on May 31, 2015. Based on feedback, inquiries, and reports from various internal and external stakeholders, USCIS revised the form and instructions. There were no changes to the policy. On March 17th, USCIS published the 60-day Federal Register Notice with the proposed form updates. USCIS extended the 60-day commenting period from May 17th to May 28th, based on requests from stakeholders.

USCIS reviewed feedback and incorporated suggestions from about 70 commenters to the revised form. On May 29th, USCIS published a 30-day notice in the Federal Register, with the comment period open until June 29th. The 30-day comment period was another opportunity for the public to review and comment on proposed changes. In addition, on June 17th USCIS hosted a stakeholder engagement to summarize the comments received during the 60-day public comment period and provide the updates changes. USCIS also published a new 30-day Federal Register notice on June 17th extending the 30-day comment to July 17th. During the 30-day comment period, all comments are submitted directly to OMB by stakeholders. OMB and USCIS received comments from 3 stakeholders during the 30-day period.

Summary of Changes to Form I-912:

- The form revision process does not change policy or eligibility. Policy changes require policy review, agency approval and may require issuance of new guidance or even notice and comment.
- The intent was to improve clarity of the instructions and the information collected on the form to make it easier to complete and reduce rejections, while not changing who may receive a fee waiver.
- Incorporated USCIS standard language, including signature and certification sections.
- Changed Frequently Asked Questions format to instructions, matching the topic and question on the form.
- Moved the form numbers that may receive fee waivers from instructions to the USCIS website.
- Clarified meaning of “total income” for Federal Poverty Guidelines (FPG) and matched what Lockbox fee waiver adjudicators use – Adjusted Gross Income (AGI).

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- Clarified table on form for currently receiving a means tested benefit by replacing “currently receiving” with two columns indicating start and end of means-tested benefit.
- Clarified household size and household income for 150% of the FPG.
- Clarified whether to include a spouse’s income when the applicant is separated.
- Added text box to allow applicants to provide any explanations and information on any changes in documentation provided – e.g. changes in marital status or income.
- Consolidated and clarified Frequently Asked Questions (FAQs) and other web pages, including:
 - Added FAQs about roommates and relatives living with requestor and how it impacts income.
 - Added FAQs about adult children using a parent’s means-tested benefit.

Stakeholder Feedback: 60-Day Notice, July 17th Stakeholder Engagement, and 30-Day Notice:

Comment: Revised form is too long

USCIS Response:

- Revised form not actually longer in content or data collected. White space added for easier viewing and readability.
- Questions reformatted for clarity, to be easier to complete, and to ensure more accurate filings and fewer rejections.
- Includes 5-6 pages of required standard legal language for signature, certification, preparers, and interpreters.

Comment: Direct applicants to complete only the section related to qualifying criteria

USCIS Response:

- USCIS has clarified that applicants are not required to complete all sections of the form or provide evidence for each eligibility category.

Comment: USCIS should accept a parent using a child’s means-tested benefit as qualifying evidence for their own application

USCIS Response:

- Although not qualified under the means-tested benefit category, the parent may still qualify under the other criteria.
- Some means tested benefit documents annotate and review the household income, which USCIS may use as evidence in qualifying under 150% of the FPG.

Comment: Accept evidence in foreign languages

USCIS Response:

- USCIS is required to obtain certified translations of documents that are not in English. See 8 CFR 103.2(b)(3).

Comment: Clarify and be flexible on evidence of current/validity of benefit

USCIS Response:

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- Policy requires that the applicant currently receive the means-tested benefit.
- The terms or expiration periods of means-tested benefits vary greatly and are dependent on the state benefit.
- To avoid rejections of fee waivers, new columns were added for applicants to provide the information.
- Instruction language was further modified to provide applicants additional guidance on validity periods.

Comment: Proposed Form Part Requestor's Statement, Contact Information Certification, and Signature – recommending only people over 18 years of age should be required to sign

USCIS Response:

- USCIS will accept fee waivers when the parent signs on behalf of the child, under 14 years of age, and is not rejecting such filings.

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FW: Fee waiver form and instructions

Wednesday, December 30, 2015
7:58 AM

Subject	FW: Fee waiver form and instructions
From	Nazer, David I
To	Gonzalez, Wendy M
Sent	Monday, November 23, 2015 9:27 AM
Attachments	 I-912 Fee...

The unanswered comments are highlighted in green.

We'll talk after my meeting

David

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From: Vanison, Denise

Sent: Monday, November 23, 2015 9:38 AM

To: Levine, Laurence D; Gonzalez, Wendy M

Cc: Phillips, Mark; Dawkins, Laura M; Nazer, David I; Miranda-Valido, Liana M; Silwany, Oscar Y

Subject: RE: Fee waiver form and instructions

FYI. I reviewed in Friday and asked Larry to review today and send to you all. Thanks.

Denise Vanison
Chief, Office of Policy and Strategy
U.S Citizenship and Immigration Services
Department of Homeland Security
(202) 272-1496

From: Levine, Laurence D

Sent: Monday, November 23, 2015 9:21:40 AM

To: Gonzalez, Wendy M; Vanison, Denise

Cc: Phillips, Mark; Dawkins, Laura M; Nazer, David I; Miranda-Valido, Liana M; Silwany, Oscar Y

Subject: RE: Fee waiver form and instructions

Hi all – please see attached with some edits and comments.

Thanks!

Larry

Larry Levine
Senior Advisor to the Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-1469

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From: Gonzalez, Wendy M
Sent: Friday, November 20, 2015 11:06 AM
To: Vanison, Denise
Cc: Phillips, Mark; Dawkins, Laura M; Levine, Laurence D; Nazer, David I; Miranda-Valido, Liana M; Silwany, Oscar Y
Subject: RE: Fee waiver form and instructions

Good morning Denise,

Please see the attached I-912 landing page and FAQ as requested.

Let us know if you have any questions.

Thank you,
Wendy and David
786-218-5759

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From: Vanison, Denise
Sent: Wednesday, November 18, 2015 8:22 PM
To: Gonzalez, Wendy M
Cc: Phillips, Mark; Dawkins, Laura M; Levine, Laurence D; Nazer, David I
Subject: RE: Fee waiver form and instructions

Wendy and David,

The materials you provided were very helpful. Thank you!

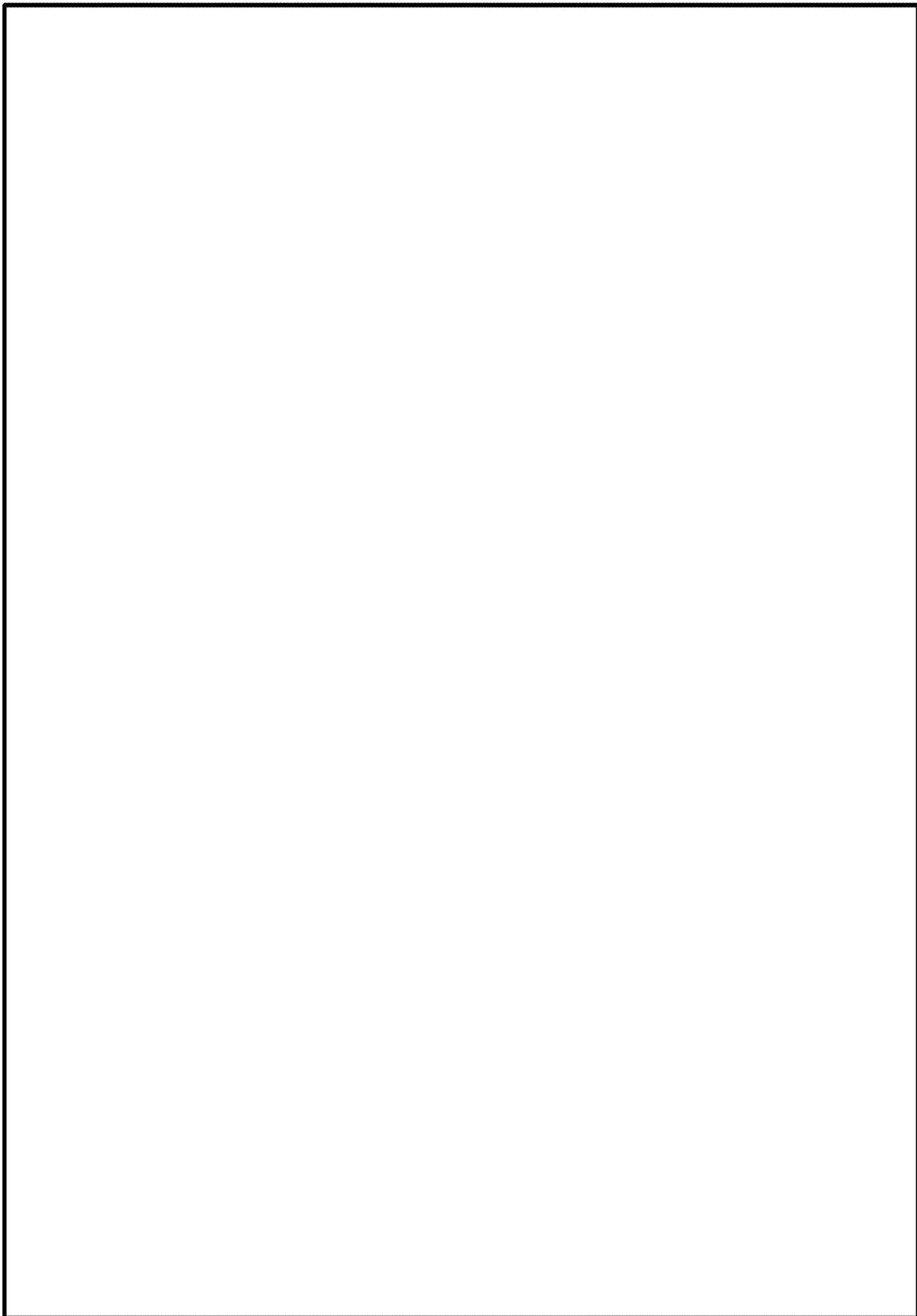
Denise

Denise Vanison
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-1496

From: Gonzalez, Wendy M
Sent: Wednesday, November 18, 2015 8:58:20 AM
To: Vanison, Denise
Cc: Phillips, Mark; Dawkins, Laura M; Levine, Laurence D; Nazer, David I
Subject: RE: Fee waiver form and instructions

(b)(5)

Good morning,



you have any questions.

Thank you,
Wendy and David

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From: Vanison, Denise
Sent: Tuesday, November 17, 2015 4:59 PM
To: Gonzalez, Wendy M; Phillips, Mark; Dawkins, Laura M
Cc: Levine, Laurence D
Subject: RE: Fee waiver form and instructions

So, it looks like my call with them is at 10 AM. They apparently have a 10:30 mtg that they want fee waiver info for.

Denise Vanison
Chief, Office of Policy and Strategy
U.S Citizenship and Immigration Services
Department of Homeland Security
(202) 272-1496

From: Vanison, Denise
Sent: Tuesday, November 17, 2015 4:52:46 PM
To: Gonzalez, Wendy M; Phillips, Mark; Dawkins, Laura M
Cc: Levine, Laurence D
Subject: Fee waiver form and instructions

I have a call with the DPC tomorrow afternoon, I think to update them on the status. Can you tell me where we are and when we plan to send back to OMB with responses to their comments and incorporating their edits?

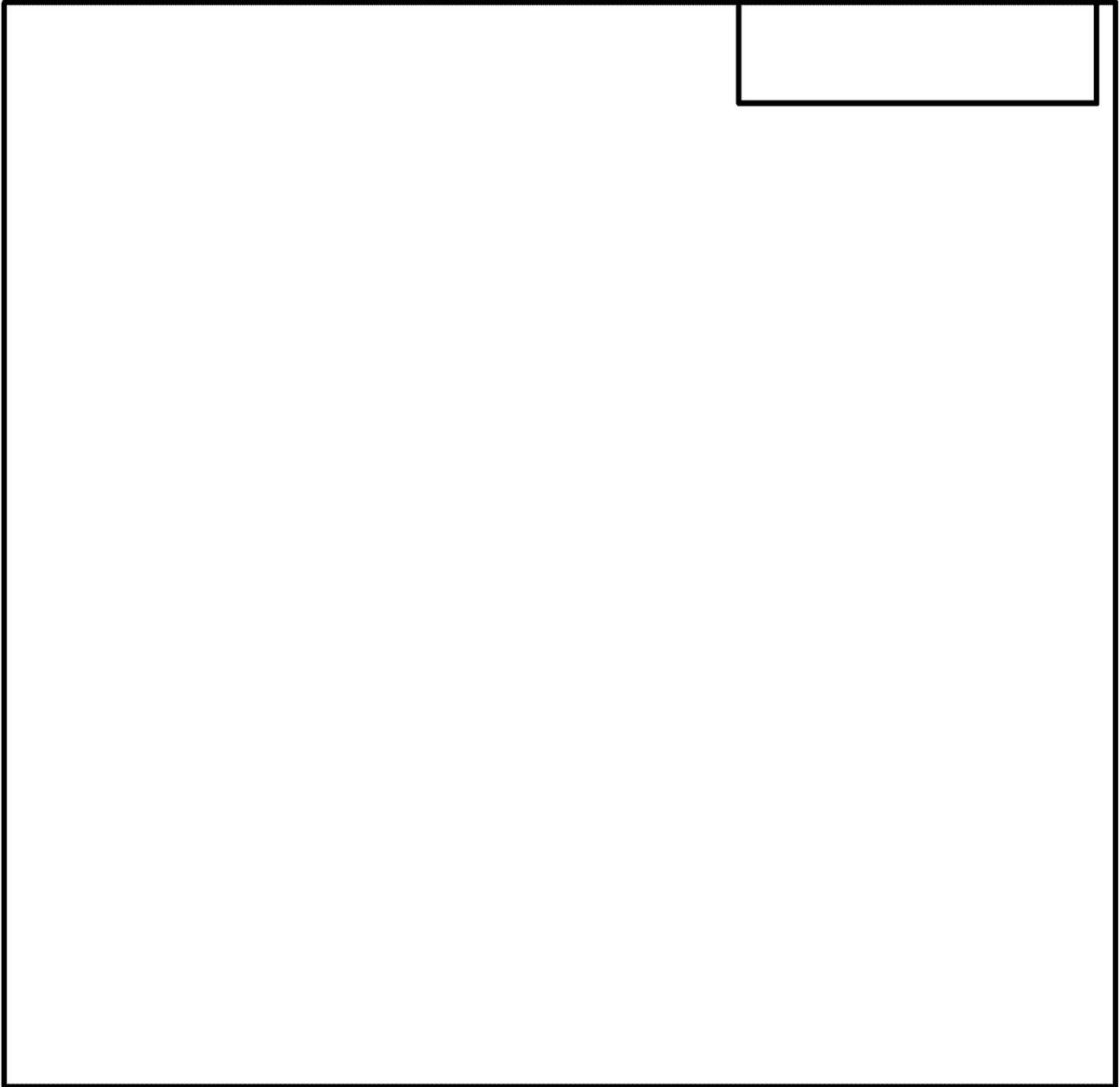


(b)(5)

Denise Vanison
Chief, Office of Policy and Strategy
U.S Citizenship and Immigration Services
Department of Homeland Security
(202) 272-1496

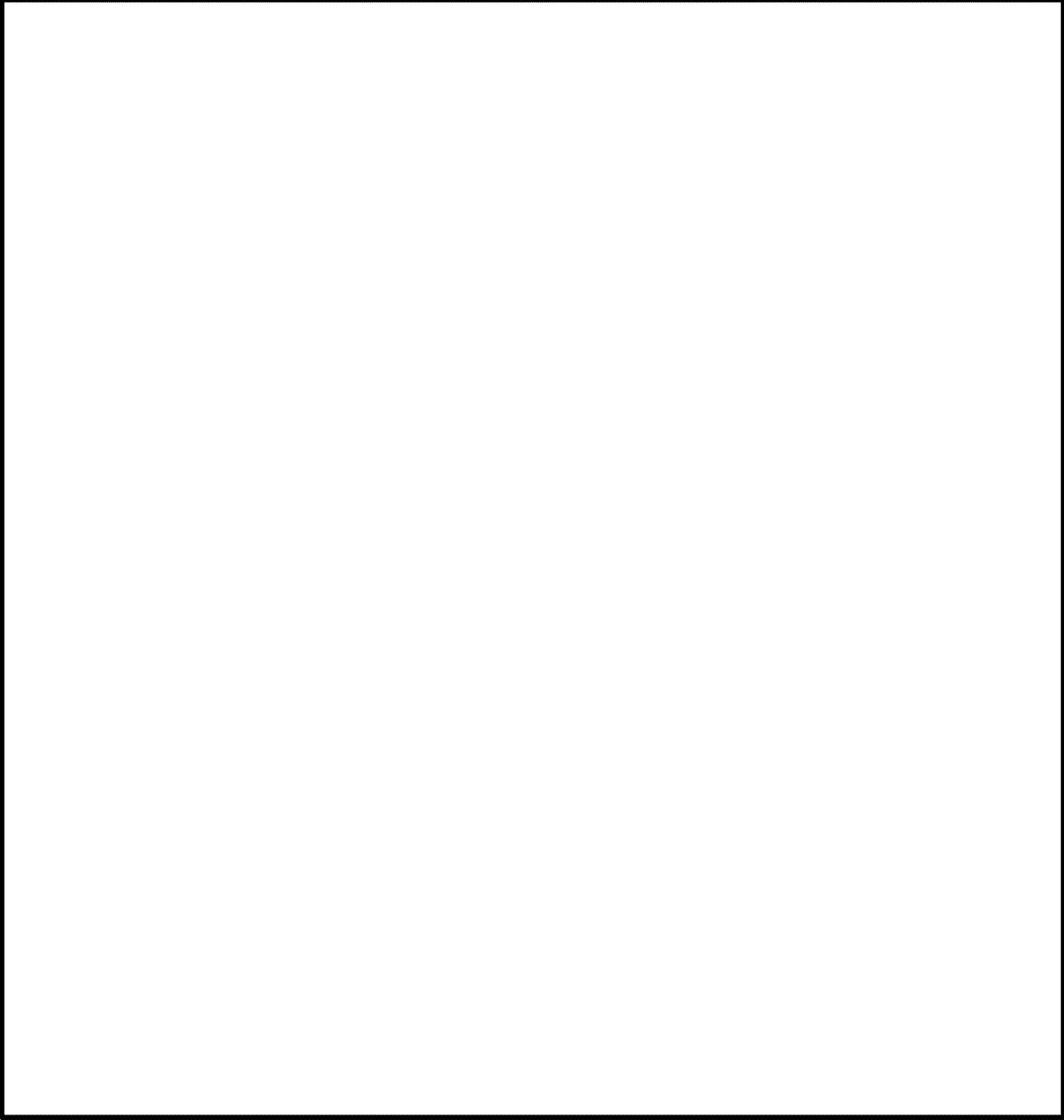
(b)(5)

Fee Waiver Frequently Asked Questions



FOUO, PRE-DECISIONAL DRAFT Page 1

(b)(5)



FOUO, PRE-DECISIONAL DRAFT Page 2

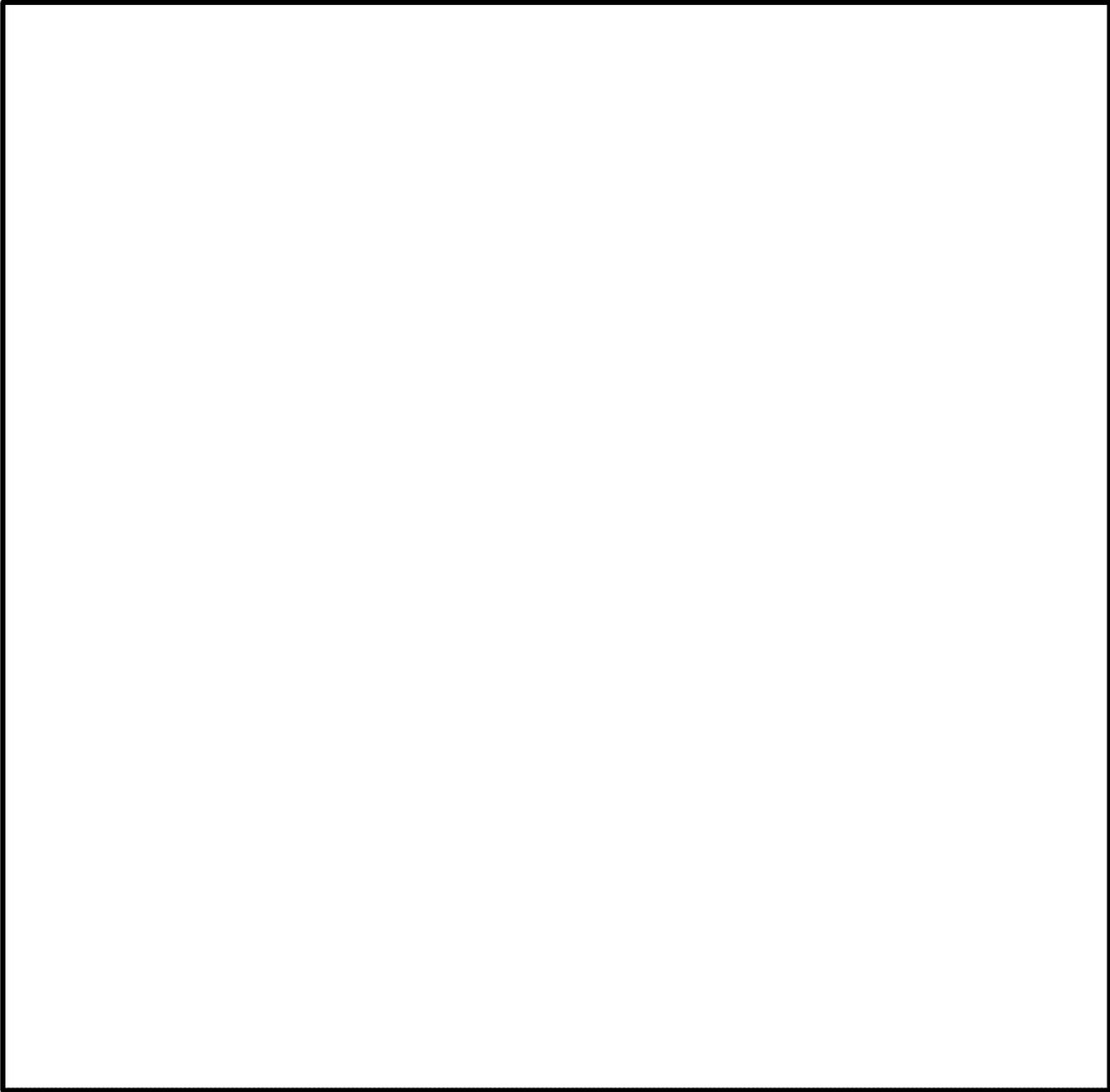


(b)(5)



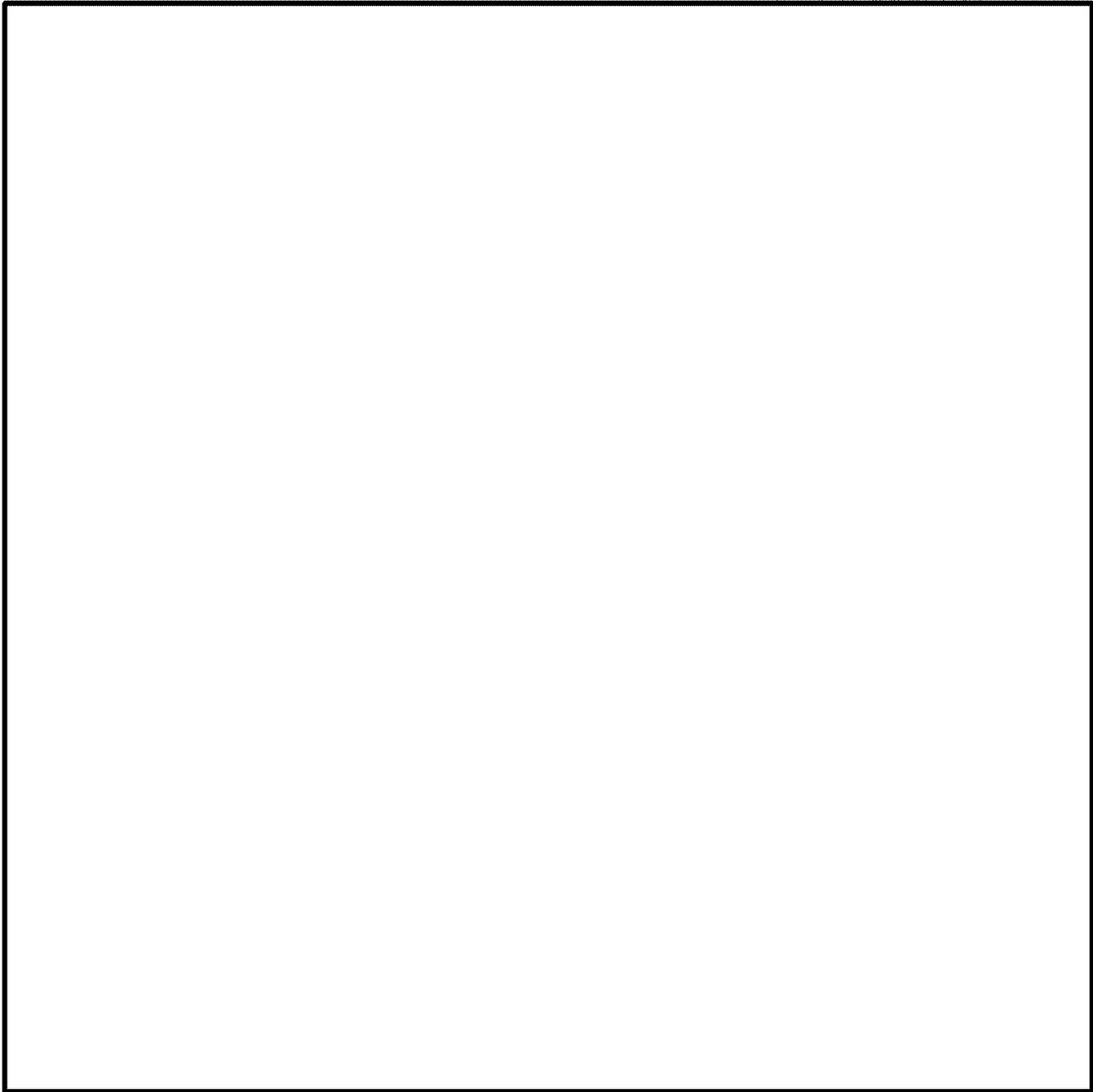
FOUO, PRE-DECISIONAL DRAFT Page 3

(b)(5)



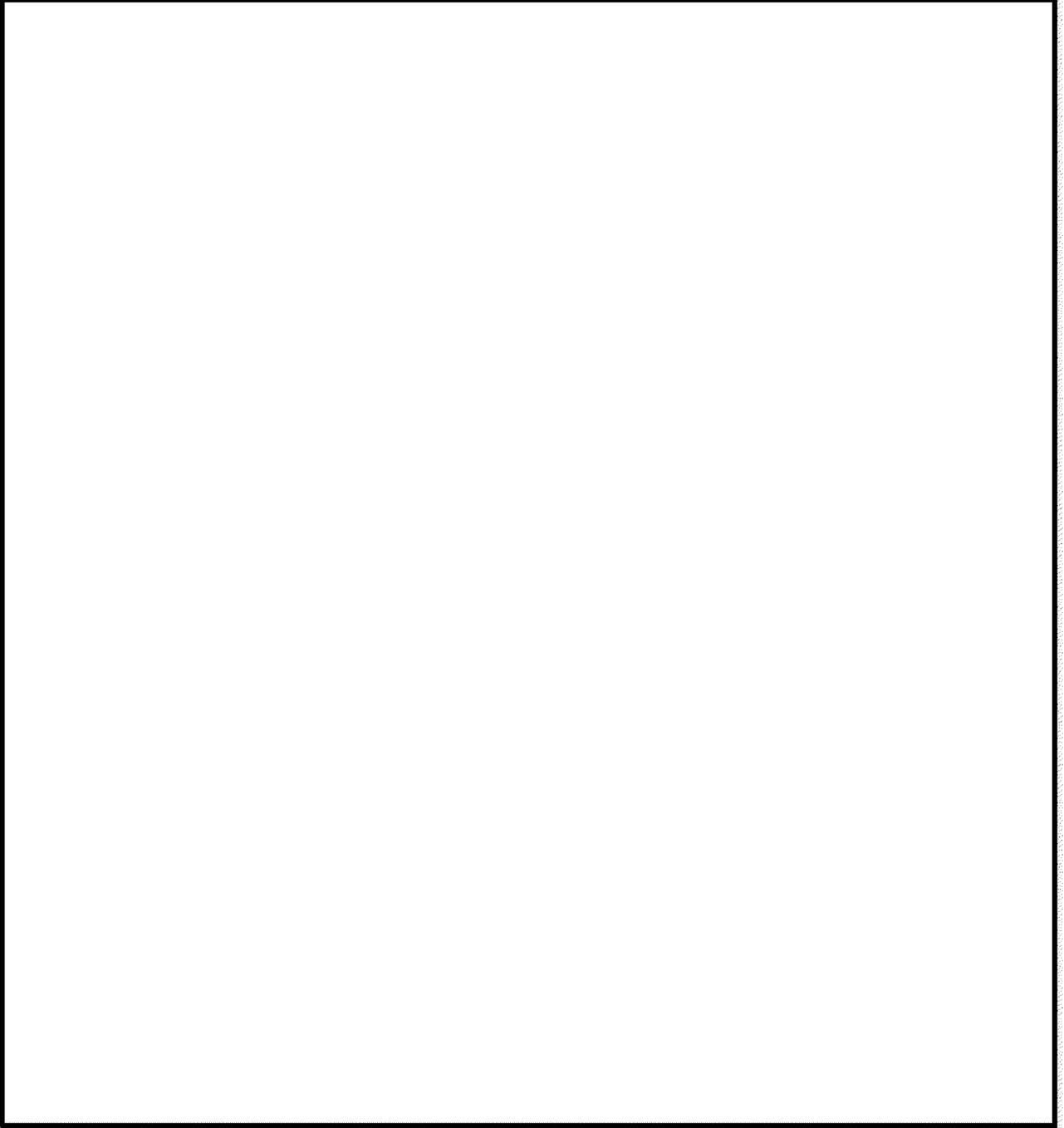
FOUO, PRE-DECISIONAL DRAFT Page 4

(b)(5)



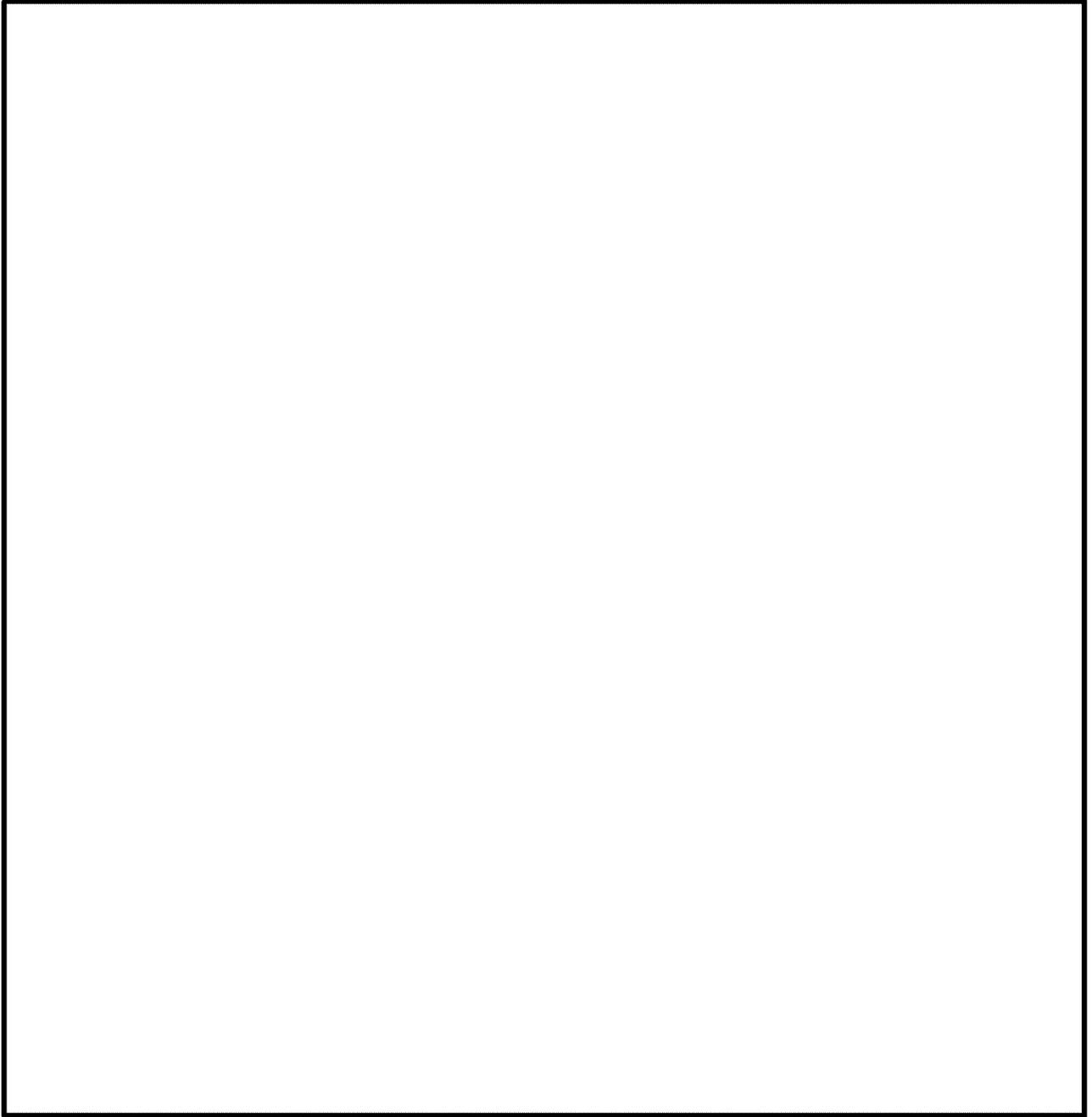
FOUO, PRE-DECISIONAL DRAFT Page 5

(b)(5)



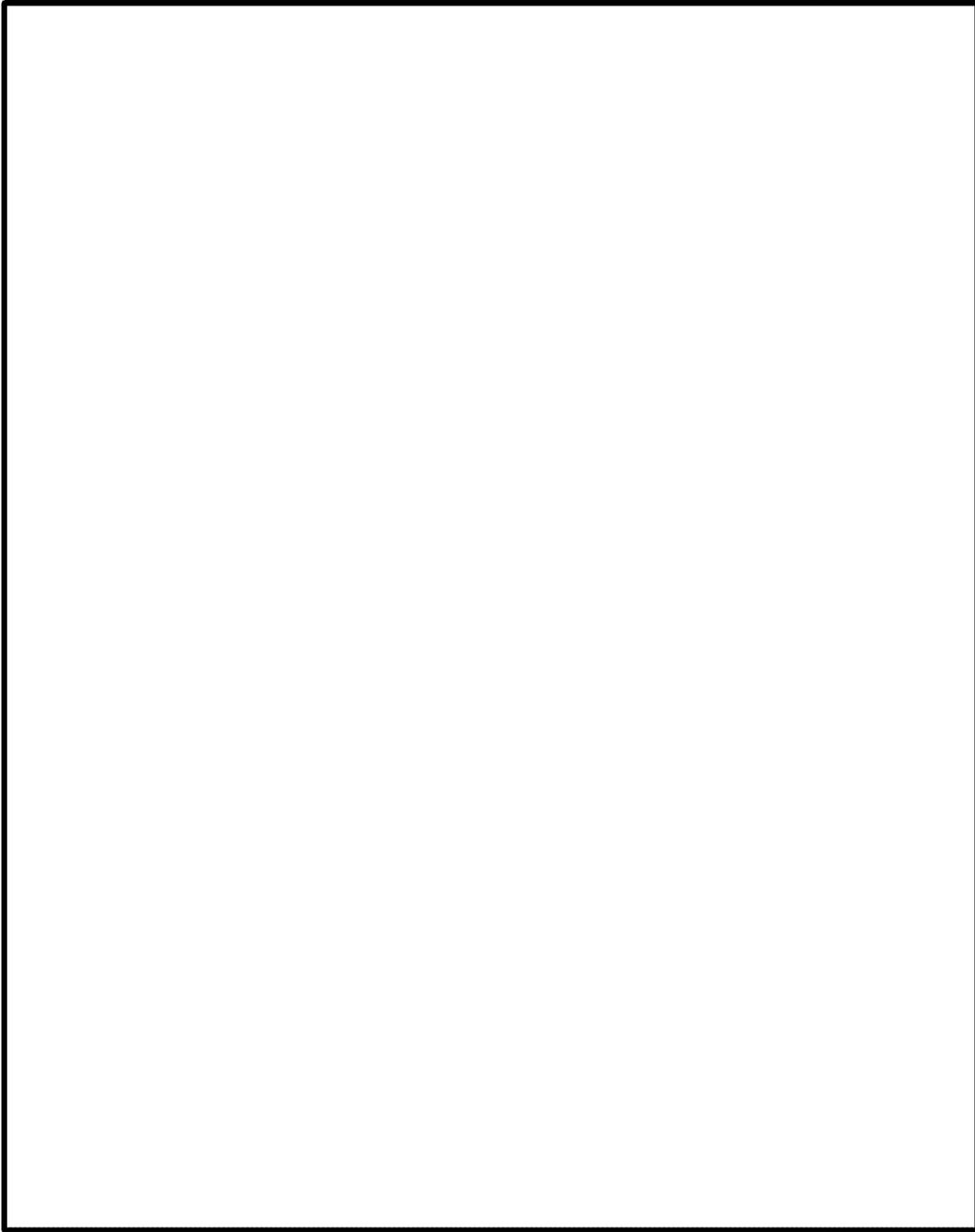
FOUO, PRE-DECISIONAL DRAFT Page 6

(b)(5)



FOUO, PRE-DECISIONAL DRAFT Page 7

(b)(5)



FOUO, PRE-DECISIONAL DRAFT Page 8

(b)(5)



FOUO

FOUO, PRE-DECISIONAL DRAFT Page 9

FW: Final I-864 Filing Tips

Wednesday, December 30, 2015

7:40 AM

Subject	FW: Final I-864 Filing Tips
From	Obalua-Adebiyi, Kemi A
To	Martin, Heather A
Cc	Nazer, David I; Johnson, David P; Murnane, Kristin M
Sent	Tuesday, November 03, 2015 7:52 AM
Attachments	 I-864W Filing Tips  I-864EZ Filing Tips  I-864A Filing Tips  I-864 Affidavit

Thank you all Heather et al...I will forward to DoS for posting.

Have a great day!

Kemi

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044
 (b)(6)
AWS Schedule: 1st Monday

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044
 (b)(6)
AWS Schedule: 1st Monday

From:
Sent: Tuesday, November 03, 2015 8:47 AM
To: Obalua-Adebiyi, Kemi A; Ellis, Rachel H; Herrmann, Mary K; Irazabal, Luz F; Choe, Won J
Cc: Hirsch, Angela H; Carter, Jeffrey T (Jeff)
Subject: Final I-864 Filing Tips
Importance: High

Hi Kemi—

Here are the final filing tips in PDF format for DOS. We hope to post as web content later today or tomorrow. Including CSPE and OLA for their visibility and to share with CROs and CLs as necessary.

Thank you!

Heather

Heather Ashley Martin

Strategic Communications

USCIS, Office of Communications



(b)(6)

I am currently teleworking.



Tips for Filing Form I-864W, Request for Exemption for Intending Immigrant's Affidavit of Support

This tip sheet will help you complete Form I-864W, Request for Exemption for Intending Immigrant's Affidavit of Support. Detailed Instructions for Form I-864W are also available, which provide guidance on certain categories of intending immigrants who may be exempt from filing an affidavit of support. When filing Form I-864W, it is important to fill out the form completely and provide all required information with your initial filing. This will reduce processing delays and errors in communication.

Please read and follow the filing tips to ensure proper processing.

Note: All 5 pages of Form I-864W must be submitted.

***Who completes this form?** The intending immigrant completes and signs this form in black ink. If the intending immigrant is younger than 14 years of age, the U.S. citizen parent may complete and sign the form. A guardian may sign the form for an individual who is under guardianship.*

- As the person completing Form I-864W, you are the intending immigrant. This means that you are requesting to become a lawful permanent resident of the U.S. by either applying for an immigrant visa to come to the U.S. or for adjustment of status in the United States.

What you should submit

You must submit one original Form I-864W for your immigration case file. A Form I-864W is considered original if it is signed in black ink.

Tips on completing Form I-864W

Section	What to Do
Part 1	You must complete this section.

Part 2	You must check the most appropriate reason explaining why you do not have to file Form I-864.
Part 3, Question 6.a.-b.	You must sign and date the form. If you are over 14 years of age, you must sign the form. If you are younger than 14 years of age, the U.S. citizen parent may complete and sign the form. A guardian may sign the form for you if you are under guardianship.



Tips for Filing Form I-864EZ, Affidavit of Support Under Section 213A of the INA

This tip sheet will help you complete Form I-864EZ, Affidavit of Support Under Section 213A of the INA. Detailed Instructions for Filing Form I-864EZ are also available. When filing Form I-864EZ, it is important to fill out the form completely and provide all required information with your initial filing. This will reduce processing delays and errors in communication.

Please read and follow the filing tips to ensure proper processing.

Note: All 7 pages of Form I-864EZ must be submitted.

***Who completes this form?** The individual who filed the visa petition for the intending immigrant completes and signs this form. If the visa petitioner is under guardianship, the guardian of the visa petitioner's estate (financial affairs) may sign the form.*

- As the visa petitioner and sponsor, by completing Form I-864EZ you agree to financially support the intending immigrant who has applied for either an immigrant visa or adjustment of status to become a lawful permanent resident.
- You need to submit taxes and W2's if you are not using an IRS printout that demonstrates your income.
- An intending immigrant is a person who requests to become a lawful permanent resident of the U.S. by either applying for an immigrant visa to come to the U.S., or applying for adjustment of status in the United States.

Submitting Evidence

The principal immigrant must submit one original Form I-864EZ for the intending immigrant's file along with supporting financial evidence of his or her income. Form I-864EZ is considered original if it is signed in black ink.

Tips on completing Form I-864EZ

Section	What to Do
Part 1, Questions 1.a.-c.	You must answer yes to each question in order to use Form I-864EZ. If any questions are answered no, please complete Form I-864 instead. If you are a joint sponsor, please complete a Form I-864. If you are the sponsor and plan to use income from a household member to support the intending immigrant, file a Form I-864.
Part 2	Enter the requested information about the intending immigrant.
Part 3, Question 5	List your Country of Domicile, which is the country you maintain principal residency and plan to reside in the future.
Part 3, Questions 12.a.-d.	List your citizenship or nationality.
Part 5, Questions 1-4	List your current employment information and individual annual income.
Part 6, Question 6.a-b.	You must sign and date the form in black ink. The signature needs to be original (not a photocopy) on the Form I-864EZ you submit.

Note: If there are accompanying family members who wish to immigrate with the principal intending immigrant or within six months of the principal intending immigrant's travel to the United States, you cannot use this form and should complete Form I-864 instead.



Tips for Filing Form I-864A, Contract Between Sponsor and Household Member

This tip sheet will help you complete Form I-864A, Contract Between Sponsor and Household Member. Detailed Instructions for Filing Form I-864A are also available. When filing Form I-864A, it is important to fill out the form completely and provide all required information with your initial filing. This will reduce processing delays and errors in communication.

Please read and follow the filing tips to ensure proper processing.

Note: All 8 pages of Form I-864A must be submitted.

***Who completes this form?** The sponsor and a household member complete and sign this form. If either the sponsor or the household member is under guardianship, the guardian of that individual's estate (financial affairs) may sign the form.*

- In most cases, the sponsor **must** be the individual who filed the visa petition for the intending immigrant. By signing this form, the sponsor agrees to financially support the intending immigrant who is applying for either an immigrant visa or adjustment of status to become a lawful permanent resident.
- If the individual who filed the visa petition has died, a substitute sponsor may sign this form along with a household member.
- If there is a joint sponsor, the joint sponsor may sign this form along with a household member.
- By signing this form, a household member agrees to help the sponsor, substitute sponsor or joint sponsor financially support the intending immigrant because the sponsor, substitute sponsor or joint sponsor does not meet the income requirements to financially support the intending immigrant on his or her own.
- If the sponsor alone is unable to provide full financial support to the principal immigrant and his or her family members, the sponsor may include income from a household member by filing Form I-864A. The sponsor needs to submit taxes and

W2's if he or she is not using an IRS printout, or provide a reason for not filing taxes.

Submitting Evidence

The principal immigrant must submit one original Form I-864 and Form I-864A for his or her file along with supporting financial evidence of the sponsor's and household member's income. A Form I-864 or Form I-864A is considered original if it is signed in black ink.

The principal immigrant should submit photocopies of the completed Form I-864 and Form I-864A for each of the family members traveling with him or her. Copies of supporting financial documents are not required for the principal immigrant's family members.

Tips on completing Form I-864A

Section	What to Do
Part 1	The household member completes this section.
Part 1, Questions 6.a-7	The household member provides his or her Place of Birth and Social Security Number, if you have one.
Part 2, Questions 1.a.-1.c.	The household member indicates the relationship to the sponsor (or, if appropriate, the joint sponsor or substitute sponsor).
Part 3, Questions 1.a.-2. And Part 4, Questions 1-3d	The household member provides this employment information and current individual annual income.
In the beginning of Part 5	The sponsor (or, if appropriate, a joint sponsor or substitute sponsor) must print their name and the number of intending immigrants being sponsored. This number should include all intending immigrants that were listed in Part 5, Questions 1.a-25 and those listed in Part 9, Additional Information (if any).
Part 5	List only the intending immigrants that are being sponsored on Form I-864.
Part 5, Questions 31.a.-31.b.	The sponsor (or, as appropriate, a joint sponsor or substitute sponsor) must sign and date the form. The signature needs to be original (not a photocopy).
Part 6, Questions 6.a-6.c	The household member must print, sign and provide the date of signature in black ink. The signature needs to be original (not

[redacted] a photocopy).



Tips for Filing Form I-864, Affidavit of Support Under Section 213A of the INA

This tip sheet will help you complete Form I-864, Affidavit of Support Under Section 213A of the INA. Detailed Instructions for Affidavit of Support are also available. When filing Form I-864, it is important to fill out the form completely and provide all required information with your initial filing. This will reduce processing delays and errors in communication.

Please read and follow the filing tips to ensure proper processing.

Note: All 12 pages of Form I-864 must be submitted.

Who completes this form? The sponsor of an intending immigrant fills out and signs this form in black ink. If the sponsor is under guardianship, the guardian of that sponsor's estate (financial affairs) may sign the form.

- As the person completing Form I-864, you are the sponsor (or, as appropriate, a substitute sponsor or joint sponsor). By signing this form, you agree to financially support an immigrant who applies for either an immigrant visa or adjustment of status to become a lawful permanent resident.
- In most cases, the sponsor **must** be the individual who filed the visa petition for the intending immigrant.
- If the individual who filed the visa petition cannot sign this form because the individual has died, a substitute sponsor may sign this form.
- If the individual who filed the visa petition or a substitute sponsor signs this form, but is unable to meet the financial requirements, another individual must also sign a separate form as a joint sponsor to meet the financial requirements.
- Each sponsor needs to submit taxes and W2's if he or she is not using an IRS printout, or provide a reason for not filing taxes.

- The principal immigrant is the intending immigrant who is the beneficiary of the immigrant visa petition.
- Family members are the principal immigrant's spouse and minor children, who intend to travel with the principal immigrant or within six months of the principal immigrant's arrival in the United States.
- Household members are the spouse or other relatives who live in the sponsor's residence, who are already supported by the sponsor and/or who will contribute income to the financial sponsorship of the principal immigrant and his or her family members.

What you will need

In order to complete this form, you should have the following information available:

- The principal immigrant's name and address,
- The names of the principal immigrant's family members and their relationship to the principal immigrant,
- Your employer and annual income,
- The annual income of any household members who intend to contribute to the financial sponsorship of the principal immigrant, and
- Information about anyone you may have previously financially sponsored on a Form I-864.

Submitting Evidence

The principal immigrant must submit one original Form I-864 for his or her file along with supporting financial evidence of the sponsor's income. A Form I-864 is considered original if it is signed in black ink.

The principal immigrant should also submit photocopies of the completed Form I-864 for each family member traveling with him or her. Copies of supporting financial documents are not required for the principal immigrant's family members.

Tips on completing Form I-864

Section	What to Do
Part 3	List only the principal immigrant and his or her family members you are sponsoring. Only include family members you are sponsoring who will be immigrating at the same time or within six months of the principal immigrant's arrival in the United States.

	There may be multiple financial sponsors who each sponsor different family members. You should only include those you have agreed to sponsor.
Part 5, Question 6	You must list the total number of lawful permanent residents that you are already obligated to support due to a previous filing of a Form I-864 in a different immigrant visa case.
Part 5, Question 8	The Sponsor's Total Household Size is the total of the numbers entered in questions 1 through 7.
Part 6, Question 1.a.1.	You must provide the name of your employer if you check the box for Question 1.a.
Part 6, Questions 3-14	<p>You must provide the name, relationship and current income of any other household member whose income will be considered to support the principal immigrant and any family members listed in Part 3.</p> <p>These household members must share the same principal residence as the financial sponsor, and must also complete Form I-864A, Contract Between Sponsor and Household Member.</p> <p>You do not need to list any household member's income in Part 6 if that household member does not intend to provide financial support to the principal immigrant.</p>
Part 6, Question 15	You must provide the current annual household income for yourself and any household members whose income will be considered to support the principal immigrant and any family members listed in Part 3. In order for the household member's income to be considered in support of the immigrants, the household member also needs to complete Form I-864A, Contract Between Sponsor and Household Member.
Part 8, Question 6a.-b.	You must sign and date the form in black ink. The signature needs to be original

Page 4

	(not a photocopy).
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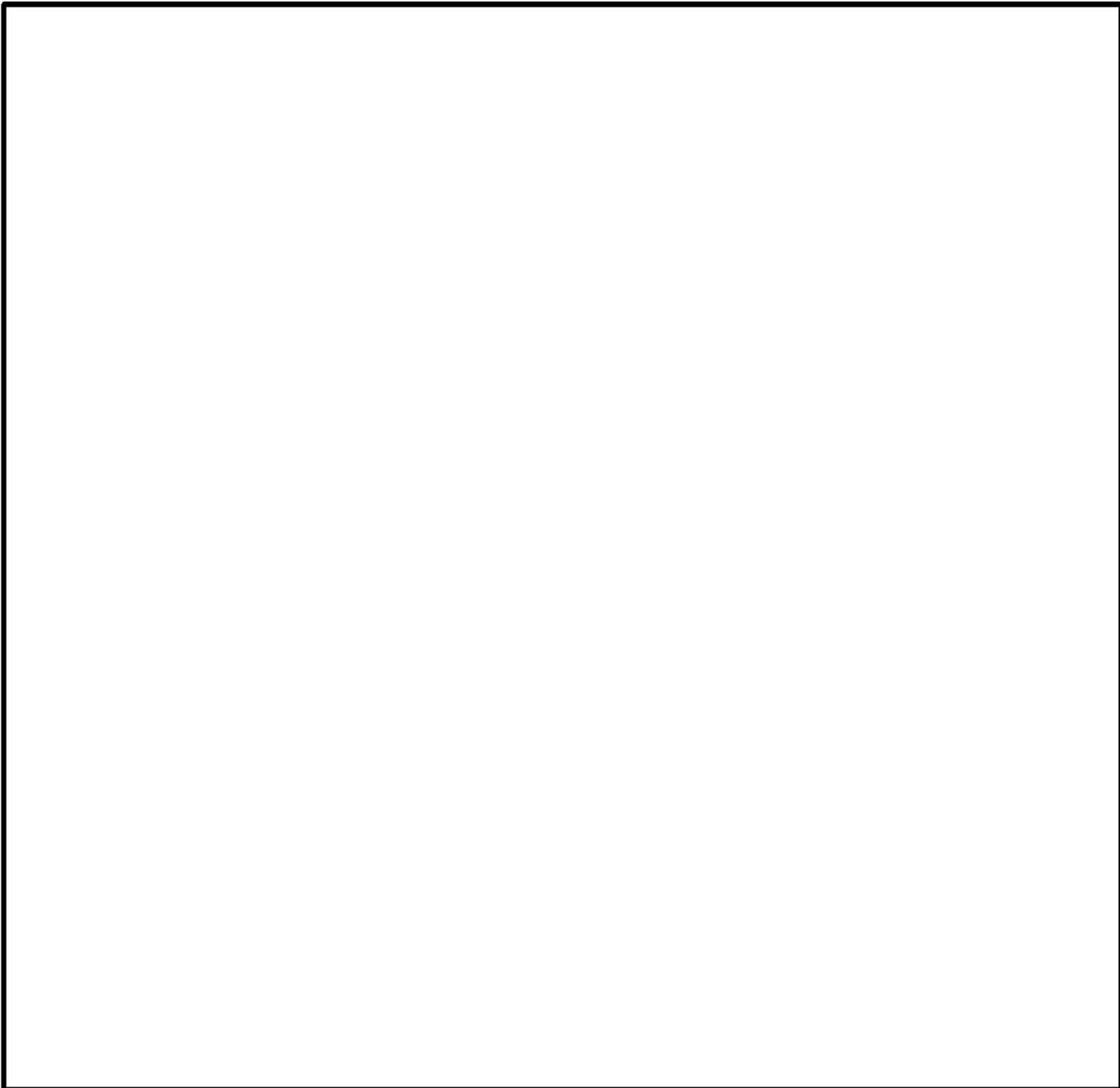
RE: Form I-864

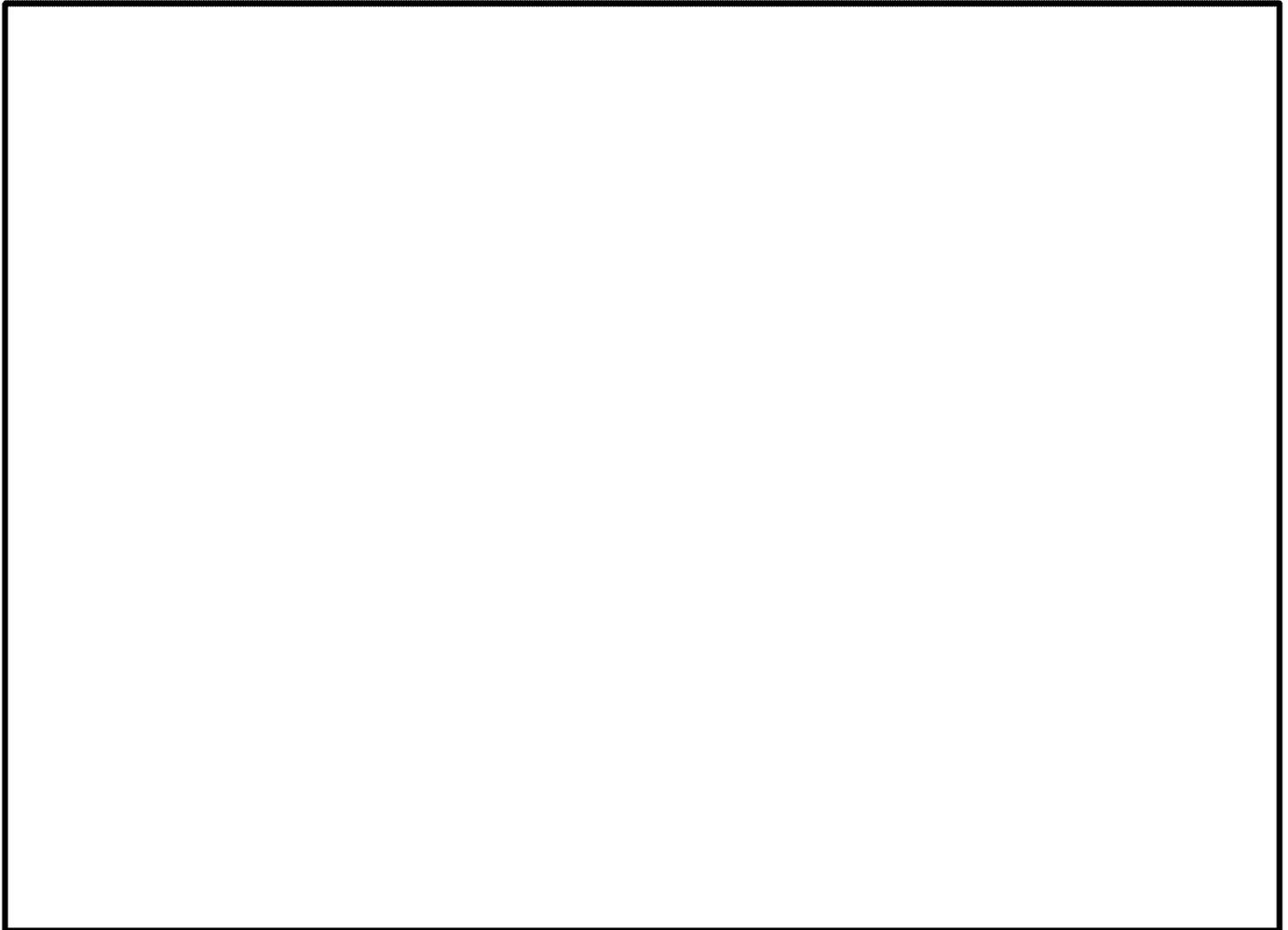
Wednesday, December 30, 2015
8:34 AM

Subject	RE: Form I-864
From	Johnson, David P
To	Post, Elizabeth A
Cc	Nazer, David I; Wilson, Lynn M; Ramsay, John R
Sent	Monday, May 04, 2015 10:26 AM
Attachments	 I-864 Com...

Hello Elizabeth, I'm aware of one AILA comment. Phillip Elder, OCC provided the response below. AILA also identified 2 typos below.

(b)(5)





Additionally, there are two typos that AILA identified:

- **p. 6, part 13** — “The persons listed in...does not need....” should read either “The persons listed in...do not need....” or “The person listed in...does not need....”
- **p. 8, part 8** — in the "continued" box at the top left, there's a comma after the first word ["Sponsor's",] that should be deleted.

Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Post, Elizabeth A
Sent: Friday, May 01, 2015 12:06 PM
To: Nazer, David I; Johnson, David P
Cc: Wilson, Lynn M; Post, Elizabeth A
Subject: Form I-864
Importance: High

Hi David and David,

We are in the process of preparing the Form I-864 suite of forms to move back to OMB, and we wanted to check in with you to see if you have received any comments during the 30 day period of public review? If you have received comments, will any of them require that we make edits to any of the I-864 forms?

Thanks for your help,
Elizabeth
Elizabeth Post
Forms Management Branch

Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867
Telework Telephone (W, F): (913) 402-0957

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AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

April 30, 2015

Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Policy and Strategy
Chief, Regulatory Coordination Division
20 Massachusetts Avenue, NW
Washington, DC 20529-2140

Submitted via email: USCISFRComment@uscis.dhs.gov
Docket ID No. USCIS-2007-0029

Re: OMB Control Number 1615-0075

USCIS 60-Day Notice and Request for Comments: Affidavit of Support, Forms I-864; I-864A; I-864EZ; I-864W

To Whom It May Concern:

The American Immigration Lawyers Association (AILA) submits the following comments in response to the above-referenced 60-Day Notice and request for comments on the proposed changes to Form I-864, Affidavit of Support and related forms, published in the Federal Register on January 27, 2015, and extended for an additional 30 days on March 31, 2015.¹

AILA is a voluntary bar association of more than 13,500 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We appreciate the opportunity to comment on this 60-Day Notice and believe that our members' collective expertise and experience makes us particularly well-qualified to offer views that will benefit the public and the government.

Page 11, Part 10—Preparer's Certification

AILA continues to be concerned with the expanded language of the preparer's certification. The proposed language reads:

By my signature, I certify, swear, or affirm, under penalty of perjury, that I prepared this affidavit on behalf of, at the request of, and with the express consent of the sponsor. I

¹ 80 Fed. Reg. 4297 (Jan. 27, 2015); 80 Fed. Reg. 17061 (Mar. 31, 2015).

AILA National Office
1331 G Street NW, Suite 300, Washington, DC 20005
Phone: 202.507.7600 | Fax: 202.783.7853 | www.aila.org

completed this affidavit based only on responses the sponsor provided to me. After completing the affidavit, I reviewed it and all of the responses with the sponsor, who agreed with every answer on the affidavit. If the sponsor supplied additional information concerning a question on the affidavit, I recorded it on the affidavit.

This language is repetitive, confusing, and imposes a burdensome and unnecessary process for preparing and reviewing the Form I-864. Preparers are already required, under applicable regulations, to attest to the veracity and truth of what is submitted. Under 8 CFR §103.2(a)(2), “[b]y signing the benefit request, the ... petitioner ... certifies under penalty of perjury that the benefit request, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct.” Moreover, under 8 CFR §1003.102(j)(1), “[t]he signature of a practitioner on any filing [or] application ... constitutes certification by the signer that the signer has read the filing [or] application ... and that, to the best of the signer’s knowledge, information, and belief, formed after inquiry reasonable under the circumstances, the document is well-grounded in fact” An attorney who engages in frivolous behavior or who knowingly or with reckless disregard makes a false statement of material fact or law is subject to disciplinary sanctions including disbarment or suspension. *See generally* 8 CFR §1003.101–108.

Any concerns about fraud detection and prevention are more than adequately covered in the existing regulations cited above. Moreover, it is beyond the authority of USCIS to stipulate a specific review procedure for attorneys and their clients and require that it be followed. The Preparer’s Certification, therefore, unnecessarily impinges on the rights of sponsor and their legal representatives to determine their own legitimate procedures in the preparation of the form. As such, AILA urges USCIS to revise the “Preparer’s Certification” to read as follows:

By my signature, I certify, swear, or affirm, under penalty of perjury, that I prepared this form on behalf of the sponsor, or another individual authorized to sign this form pursuant to form instructions. I prepared this form at his or her request, and with his or her express consent, and I understand that the preparation of this form does not grant the petitioner or beneficiary any immigration status or benefit.

Page 9, Part 8 – Sponsor’s Certification

This section allowing USCIS to access “*any and all of my records that USCIS may need*” is overbroad, and may violate privacy laws. While we agree that USCIS has the authority to obtain records related to the sponsor that are maintained by other agencies within the Department of Homeland Security and the State Department, this statement seems to go beyond the acceptable parameters. We do not believe that the sponsor should be compelled to allow USCIS to retrieve non-public information or release the sponsor’s information to any branch of the U.S. government, private companies, or the governments of foreign countries. We strongly object to this provision, and ask that it be revised to protect the privacy interests of sponsors. Please note

that this section also says “*determine my eligibility for the benefit that I seek.*” A Form I-864 sponsor is not necessarily seeking a benefit, so this statement should be revised.

Miscellaneous

The proposed form instructions impose additional requirements on sponsors who are under legal guardianship: “*The guardian must present proof of the appointment as guardian of your estate and a copy of an order from the appointing court or agency specifically permitting the guardian to make your income and assets available for the support of the sponsored immigrant.*”

“*Guardian*” includes any person who is appointed and authorized by law to protect your estate as a result of your incapacity.” Requiring a guardian to obtain a court order or agency order specific to the Form I-864 is overly burdensome and appears to undermine the very purpose and veracity of the court or agency’s initial guardianship determination. Moreover, to require a court or agency order specifically permitting the guardian to make the sponsor’s income and assets available for the purpose of supporting the immigrant will significantly delay the permanent residence process. The initial court or agency order granting guardianship should be sufficient for this purpose.

Additionally, there are two typos that we identified:

- **p. 6, part 13** — “The persons listed in...does not need....” should read either “The persons listed in...do not need....” or “The person listed in...does not need....”
- **p. 8, part 8** — in the "continued" box at the top left, there's a comma after the first word ["Sponsor's",] that should be deleted.

Conclusion

AILA appreciates the opportunity comment on this notice, and we look forward to a continuing dialogue with USCIS on these issues.

Sincerely,

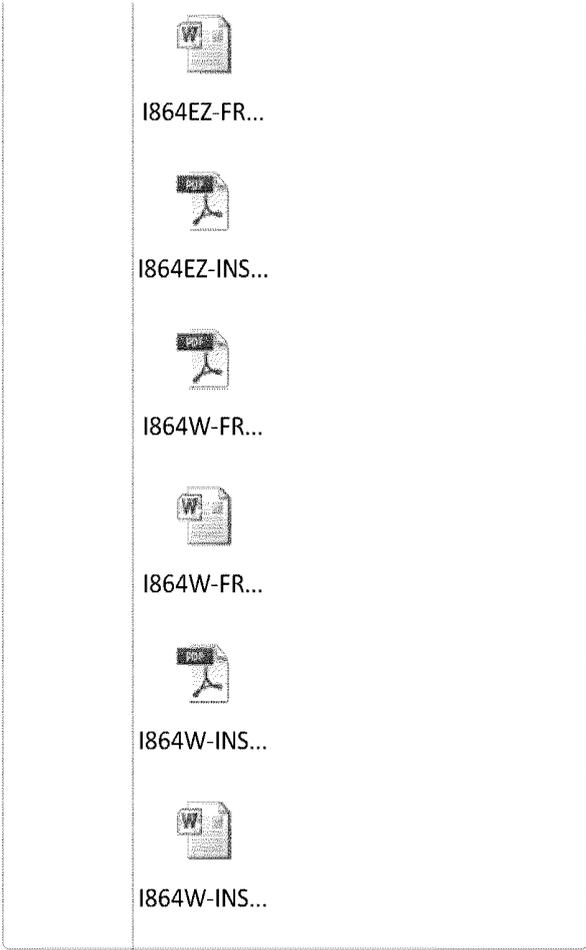
THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

Form I-864 Documents for 30-Day.

Wednesday, December 30, 2015

7:07 AM

Subject	Form I-864 Documents for 30-Day.
From	Wilson, Lynn M
To	Nazer, David I; Johnson, David P; Ramsay, John R
Cc	Owens, Angela Y; Scales, Donna B; Post, Elizabeth A
Sent	Monday, March 30, 2015 4:24 PM
Attachments	 I864-FRM-...  I864-FRM-...  I864-INS-3...  I864-INS-T...  I864A-FR...  I864A-FR...  I864A-INS-...  I864A-INS-...  I864EZ-INS...  I864EZ-FR...  I864EZ-FR...



David, David, and John –

The documents are attached for posting to the Federal Register.

They are not perfect, but given the time constraints, they are in good shape. While out for 30-day, please review the documents for any minor content issues prior to OMB adjudicating the package. FMB will do one more review as well and also finalize functionality.

Thanks.

Lynn Wilson
Management and Program Analyst
Forms Management Branch
Forms and Requirements Division, ODP
U.S. Citizenship & Immigration Services
20 Massachusetts Ave NW, Ste 4009
Washington, DC 20529-2306
202-272-1203
(f) 202-272-8124
lynn.m.wilson@uscis.dhs.gov

**Form I-864, Form TOC
Affidavit of Support Under Section 213A of the INA
OMB Number: 1615-0075
Date: 3/30/2015**

Reason for Revision: Updates to format, standard language, and edits provided by subject matter experts.

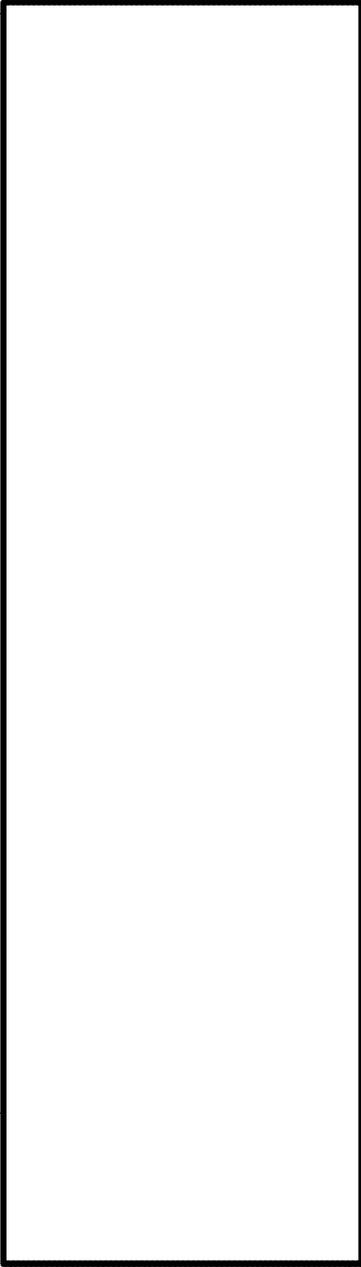
Location	Current Text	Proposed Text
<p>Page 1, Part 1. Basis For Filing Affidavit of Support</p>	<p>[Page 1]</p> <p>Part 1. Basis For Filing Affidavit of Support</p> <p>1. _____ am the sponsor submitting this affidavit of support because (<i>Check only one box</i>):</p> <p>1.a. I am the petitioner. I filed or am filing for the immigration of my relative.</p> <p>1.b. I filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____.</p> <p>1.c. I have an ownership interest of at least 5 percent in _____ which filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____.</p> <p>1.d. I am the only joint sponsor.</p> <p>1.e. I am the ___ first ___ second of two joint sponsors.</p> <p>1.f. The original petitioner is deceased. I am the substitute sponsor. I am the intending immigrant's _____.</p> <p>NOTE: If you check box 1.b., 1.c., 1.d., 1.e., or 1.f., you must include proof of your citizenship, national, or lawful permanent resident status.</p>	<div style="border: 2px solid black; height: 380px; width: 100%;"></div>
<p>Page 1, Part 2. Information on the Principal</p>	<p>[Page 1]</p> <p>Part 2. Information on the Principal Immigrant</p>	<div style="border: 2px solid black; height: 50px; width: 100%;"></div>

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Immigrant	<p>1.a. Family Name (Last Name) 1.b. Given Name (First Name) 1.c. Middle Name</p> <p><i>Mailing Address</i></p> <p>2.a. Street Number and Name 2.b. Apt. Ste. Flr. 2.c. City or Town 2.d. State 2.e. Zip Code 2.f. Postal Code 2.g. Province 2.h. Country</p> <p><i>Other Information</i></p> <p>3. Country of Citizenship 4. Date of Birth (mm/dd/yyyy) 5. Alien Registration Number (A-Number)</p>
Pages 2-3, Part 3. Information on the Immigrant(s) You Are Sponsoring	<p>[Page 2]</p> <p>Part 3. Information on the Immigrant(s) You Are Sponsoring</p> <p>1. I am sponsoring the principal immigrant named in Part 2. Yes No (Applicable only in cases with two joint sponsors)</p> <p>2. I am sponsoring the following family members immigrating at the same time or within 6 months of the principal immigrant named in Part 2. Do not include any relative listed on a separate visa petition.</p> <p>Family Member 1</p> <p>2.a. Family Name (Last Name) 2.b. Given Name (First Name) 2.c. Middle Name</p> <p>2.d. Relationship to Sponsored Immigrant 2.e. Date of Birth (mm/dd/yyyy) 2.f. Alien Registration Number (A-Number)</p> <p>Family Member 2</p> <p>3.a. Family Name (Last Name) 3.b. Given Name (First Name)</p>

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	<p>3.c. Middle Name</p> <p>3.d. Relationship to Sponsored Immigrant 3.e. Date of Birth (<i>mm/dd/yyyy</i>) 3.f. Alien Registration Number (A-Number)</p> <p>Family Member 3 4.a. Family Name (Last Name) 4.b. Given Name (First Name) 4.c. Middle Name</p> <p>4.d. Relationship to Sponsored Immigrant 4.e. Date of Birth (<i>mm/dd/yyyy</i>) 4.f. Alien Registration Number (A-Number)</p> <p>Family Member 4 5.a. Family Name (Last Name) 5.b. Given Name (First Name) 5.c. Middle Name</p> <p>5.d. Relationship to Sponsored Immigrant 5.e. Date of Birth (<i>mm/dd/yyyy</i>) 5.f. Alien Registration Number (A-Number)</p> <p>Family Member 5 6.a. Family Name (Last Name) 6.b. Given Name (First Name) 6.c. Middle Name</p> <p>[Page 3]</p> <p>6.d. Relationship to Sponsored Immigrant 6.e. Date of Birth (<i>mm/dd/yyyy</i>) 6.f. Alien Registration Number (A-Number)</p> <p>7. Enter the total number of immigrants you are sponsoring on this form from Items 1-6.</p>	
<p>Page 3, Part 4. Information on the Sponsor</p>	<p>[Page 3]</p> <p>Part 4. Information on the Sponsor</p> <p><i>Sponsor's Full Name</i> 1.a. Family Name (Last Name)</p>	

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<p>1.b. Given Name (First Name) 1.c. Middle Name</p> <p>Sponsor's Mailing Address</p> <p>2.a. Street Number and Name 2.b Apt. Ste. Flr. 2.c. City or Town 2.d. State 2.e. Zip Code 2.f. Postal Code 2.g Province 2.h. Country</p> <p>Sponsor's Place of Residence</p> <p>3.a. Street Number and Name 3.b. Apt. Ste. Flr. 3.c. City or Town 3.d. State 3.e. Zip Code 3.f. Postal Code 3.g. Province 3.h. Country</p> <p>Other Information</p> <p>4. Telephone Number 5. Country of Domicile 6. Date of Birth (mm/dd/yyyy)</p> <p>[Page 4]</p> <p>7. City or Town of Birth 8. State or Province of Birth 9. Country of Birth 10. U.S. Social Security Number (Required)</p> <p>Citizenship/Residency 11.a. I am a U.S. citizen 11.b. I am a U.S. national (for joint sponsors only). 11.c. I am a lawful permanent resident.</p> <p>My alien registration number is:</p>	<div style="border: 2px solid black; height: 500px; width: 100%;"></div>
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	<p>Military Service <i>(To be completed by petitioner sponsors only.)</i></p> <p>12. I am currently on active duty in the U.S. armed services. Y/N</p>
<p>Page 4, Sponsor's Household Size</p>	<p>[Page 4]</p> <p>Part 5. Sponsor's Household Size</p> <p>Your Household Size – <u>DO NOT COUNT ANYONE TWICE.</u></p> <p><i>Persons you are sponsoring in this affidavit:</i></p> <p>1. Enter the number you entered on line 7 of Part 3.</p> <p><i>Persons NOT sponsored in this affidavit:</i></p> <p>2. Yourself. 1</p> <p>3. If you are currently married, enter "1" for your spouse.</p> <p>4. If you have dependent children, enter the number here.</p> <p>5. If you have any other dependents, enter the number here.</p> <p>6. If you have sponsored any other persons on an I-864 or I-864 EZ who are now lawful permanent residents, enter that number here.</p> <p>7. OPTIONAL: If you have <u>siblings, parents, or adult children</u> with the same principal residence who are combining their income with yours by submitting Form I-864A, enter the number here.</p> <p>8. Add together lines 1-7 and enter the number here. Household size:</p>
<p>Page 5, Part 6. Sponsor's Income and Employment</p>	<p>[Page 4]</p> <p>Part 6. Sponsor's Income and Employment</p> <p>I am currently</p> <p>1. Employed as a/an</p>

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<p>1.a. Name of Employer #1 <i>(if applicable)</i> 1.b. Name of Employer #2 <i>(if applicable)</i></p> <p>2. Self-employed as a/an</p> <p>3. Retired from: 3.a. Company Name 3.b. Date of Retirement <i>(mm/dd/yyyy)</i></p> <p>[Page 5]</p> <p>4. Unemployed since <i>(mm/dd/yyyy)</i></p> <p>5. My current individual annual income is: <i>(See instructions)</i> \$</p> <p>Income you are using from any other person who was counted in your household size, including, in certain conditions, the intending immigrant. (See Instructions.) Please indicate name, relationship and income.</p> <p>Person 1 6.a. Name 6.b. Relationship 6.c. Current Income</p> <p>Person 2 7.a. Name 7.b. Relationship 7.c. Current Income</p> <p>Person 3 8.a. Name 8.b. Relationship 8.c. Current Income</p> <p>Person 4 9.a. Name 9.b. Relationship 9.c. Current Income</p> <p>10. My current Annual Household Income <i>(Total all lines from 5, 6.c., 7.c., 8.c., and 9.c.. Will be compared to Poverty Guidelines -- See Form I-864P.)</i></p> <p>11. The person(s) listed in 6.a., 7.a., 8.a., and 9.a. have completed Form I-864A. I am filing along with this form all necessary Forms I-864A completed by these person(s).</p>	
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	<p>12. The person(s) listed in 6.a., 7.a., 8.a., or 9.a does not need to complete Form I-864A because he/she is the intending immigrant and has no accompanying dependents.</p> <p>Name(s)</p> <p>Federal income tax return information</p> <p>13. I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for only the most recent tax year.</p> <p>[Page 6]</p> <p>My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal income tax returns for the most recent 3 years was:</p> <table border="1"><thead><tr><th>Tax Year</th><th>Total Income</th></tr></thead><tbody><tr><td>13.a. _____ (most recent)</td><td>13.a.1</td></tr><tr><td>13.b. _____ (2nd most recent)</td><td>13.b.1.</td></tr><tr><td>13.c. _____ (3rd most recent)</td><td>13.c.1.</td></tr></tbody></table> <p>14. (Optional) I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.</p>	Tax Year	Total Income	13.a. _____ (most recent)	13.a.1	13.b. _____ (2 nd most recent)	13.b.1.	13.c. _____ (3 rd most recent)	13.c.1.
Tax Year	Total Income								
13.a. _____ (most recent)	13.a.1								
13.b. _____ (2 nd most recent)	13.b.1.								
13.c. _____ (3 rd most recent)	13.c.1.								
<p>Page 6, Part 7. Use of Assets to Supplement Income (optional)</p>	<p>[Page 6]</p> <p>Part 7. Use of Assets to Supplement Income (optional)</p> <p><i>If your income, or the total income for you and your household, from Part 6, line 10 exceeds the Federal Poverty Guidelines for your household size, YOU ARE NOT REQUIRED to complete this Part. Skip to</i></p>								

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Part 8.

Your assets (*Optional*)

1. Enter the balance of all savings and checking accounts.
2. Enter the net cash value of real-estate holdings. (Net means current assessed value minus mortgage debt.)
3. Enter the net cash value of all stocks, bonds, certificates of deposit, and any other assets not already included in lines 1 or 2.

4. Add together lines 1-3 and enter the number here. TOTAL: \$ _____

Assets from Form I-864A, line 12d for:

5.a. Name of Relative

5.b. Your household member's assets from Form I-864A. (*Optional*)

Assets of the principal sponsored immigrant (*Optional*). The principal sponsored immigrant is the person listed in lines 1.a. – 1.c. in Part 2.

6. Enter the balance of the sponsored immigrant's savings and checking accounts
7. Enter the net cash value of all the sponsored immigrant's real estate holdings. (Net means investment value minus mortgage debt.)
8. Enter the current cash value of the sponsored immigrant's stocks, bonds, certificates of deposit, and other assets not included on line 6 or 7.

9. Add together lines 6-8 of Part 7 and enter the number here.

Total value of assets.

10. Add together lines 4, 5.b., and 9 of Part 7 and enter the number here.

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	TOTAL:
Page 8, Part 8. Sponsor's Contract	<p>[Page 7]</p> <p>Part 8. Sponsor's Contract</p> <p><i>Please note that, by signing this Form I-864, you agree to assume certain specific obligations under the Immigration and Nationality Act and other Federal laws. The following paragraphs describe those obligations. Please read the following information carefully before you sign the Form I-864. If you do not understand the obligations, you may wish to consult an attorney or accredited representative.</i></p> <p>What is the Legal Effect of My Signing a Form I-864?</p> <p>If you sign a Form I-864 on behalf of any person (called the "intending immigrant") who is applying for an immigrant visa or for adjustment of status to a lawful permanent resident, and that intending immigrant submits the Form I-864 to the U.S. Government with his or her application for an immigrant visa or adjustment of status, under section 213A of the Immigration and Nationality Act these actions create a contract between you and the U. S. Government. The intending immigrant's becoming a permanent resident is the "consideration" for the contract.</p> <p>Under this contract, you agree that, in deciding whether the intending immigrant can establish that he or she is not inadmissible to the United States as an alien likely to become a public charge, the U.S. Government can consider your income and assets to be available for the support of the intending immigrant.</p> <p>What If I choose Not to Sign a Form I-864?</p>

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You cannot be made to sign a Form I-864 if you do not want to do so. But if you do not sign the Form I-864, the intending immigrant may not be able to become a lawful permanent resident in the United States.

What Does Signing the Form I-864 Require Me to do?

If an intending immigrant becomes a lawful permanent resident in the United States based on a Form I-864 that you have signed, then, until your obligations under the Form I-864 terminate, you must:

-- Provide the intending immigrant any support necessary to maintain him or her at an income that is at least 125 percent of the Federal Poverty Guidelines for his or her household size (100 percent if you are the petitioning sponsor and are on active duty in the U.S. Armed Forces and the person is your husband, wife, unmarried child under 21 years old.)

-- Notify USCIS of any change in your address, within 30 days of the change, by filing Form I-865.

What Other Consequences Are There?

If an intending immigrant becomes a permanent resident in the United States based on a Form I-864 that you have signed, then until your obligations under the Form I-864 terminate, your income and assets may be considered ("deemed") to be available to that person, in determining whether he or she is eligible for certain Federal means-tested public benefits and also for State or local means-tested public benefits, if the State or local government's rules provide for consideration ("deeming") of your income and assets as available to the person.

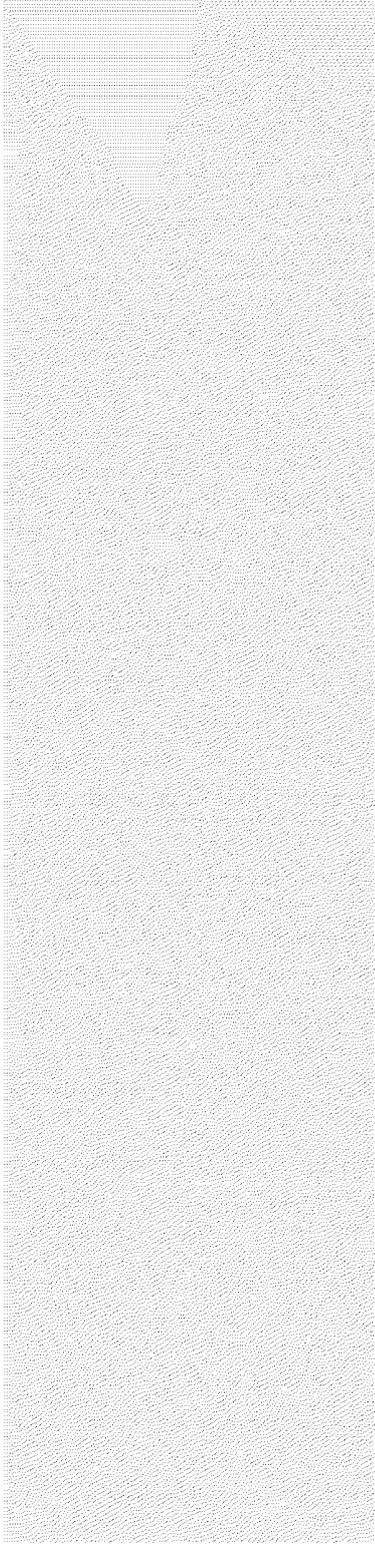
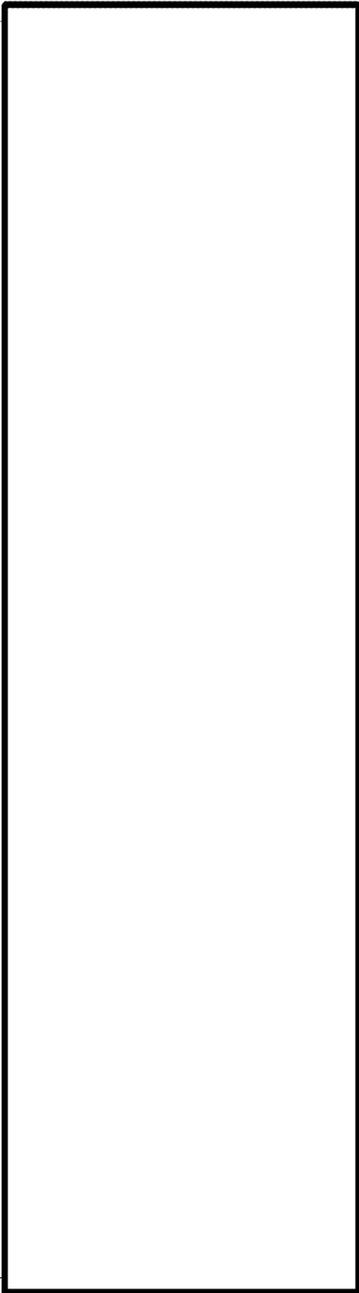
This provision does **not** apply to public benefits specified in section 403(c) of the Welfare Reform Act such as, but not limited to, emergency Medicaid, short-

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	<p>term, non-cash emergency relief; services provided under the National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; and means-tested programs under the Elementary and Secondary Education Act.</p> <p>What If I Do Not Fulfill My Obligations?</p> <p>If you do not provide sufficient support to the person who becomes a lawful permanent resident based on the Form I-864 that you signed, that person may sue you for this support.</p> <p>[Page 8]</p> <p>If a Federal, State or local agency, or a private agency provided any covered means-tested public benefit to the person who becomes a lawful permanent resident based on the Form I-864 that you signed, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.</p> <p>If you are sued, and the court enters a judgment against you, the person or agency that sued you may use any legally permitted procedures for enforcing or collecting the judgment. You may also be required to pay the costs of collection, including attorney fees.</p> <p>If you do not file a properly completed Form I-865 within 30 days of any change of address, USCIS may impose a civil fine for your failing to do so.</p> <p>When Will These Obligations End?</p> <p>Your obligations under a Form I-864 will end if the person who becomes a permanent resident based on a Form I-864 that you signed:</p> <ol style="list-style-type: none">1. Becomes a U.S. citizen;2. Has worked, or can be credited with, 40 quarters of coverage under the Social Security Act;	
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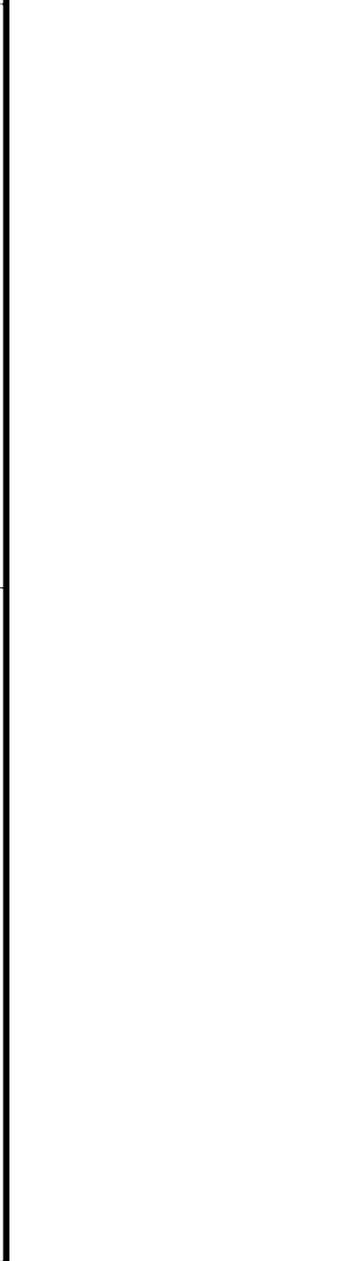
	<p>3. No longer has lawful permanent resident status, and has departed the United States;</p> <p>4. Becomes subject to removal, but applies for and obtains in removal proceedings a new grant of adjustment of status, based on a new affidavit of support, if one is required; or</p> <p>5. Dies.</p> <p>Note that divorce does not terminate your obligations under this Form I-864.</p> <p>Your obligations under a Form I-864 also end if you die. Therefore, if you die, your Estate will not be required to take responsibility for the person's support after your death. Your Estate may, however, be responsible for any support that you owed before you died.</p>
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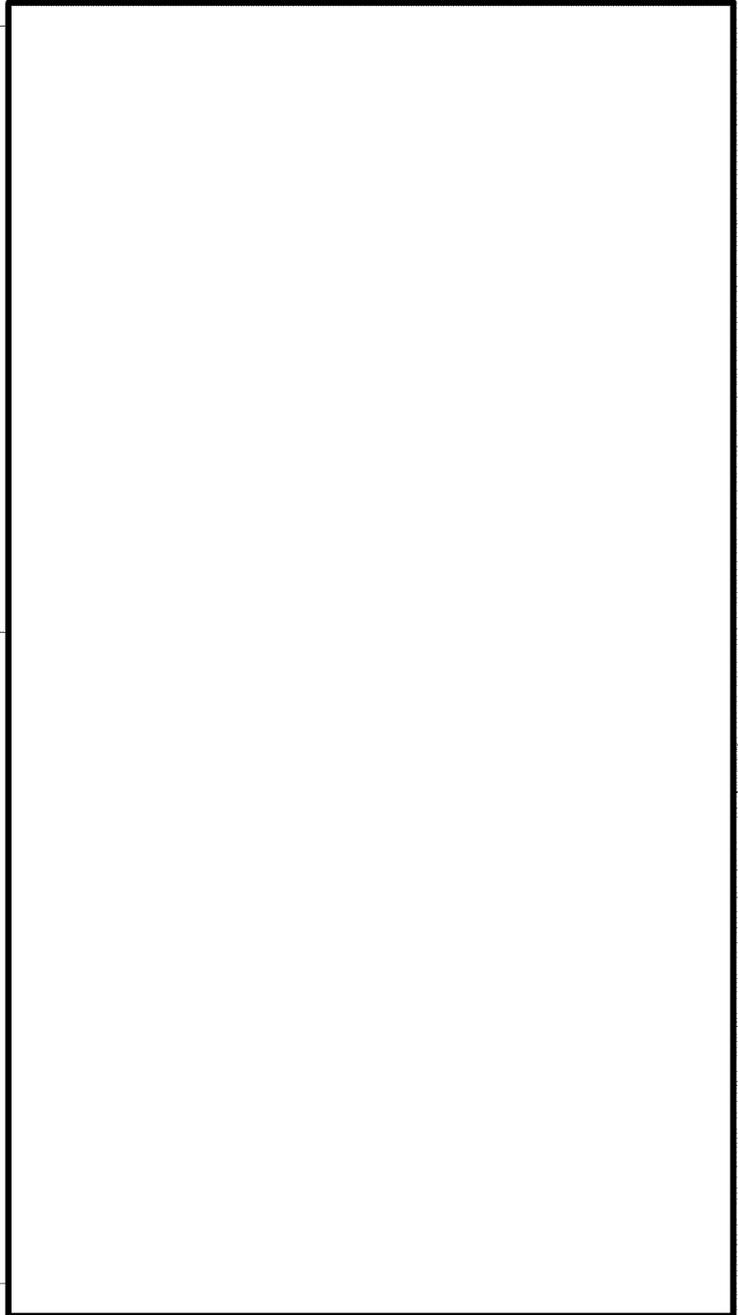
	<p>I, _____ (<i>Print Sponsor's Name</i>) certify under penalty of perjury under the laws of the United States that:</p> <p>a. I know the contents of this affidavit of support that I signed.</p> <p>b. All the factual statements in this affidavit of support are true and correct.</p> <p>c. I have read and I understand each of the obligations described in Part 8, and I agree, freely and without any mental reservation or purpose of evasion, to accept each of those obligations in order to make it possible for the immigrants indicated in Part 3 to become lawful permanent residents of the United States;</p> <p>d. I agree to submit to the personal jurisdiction of any Federal or State court that has subject matter jurisdiction of a lawsuit against me to enforce my obligations under this Form I-864;</p> <p>e. Each of the Federal income tax returns submitted in support of this affidavit are true copies, or are unaltered tax transcripts, of the tax returns I filed with the U.S. Internal Revenue Service; and</p>
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	<p>f. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.</p> <p>g. Any and all other evidence submitted is true and corrects.</p> <p>1.a. Signature of the Sponsor 1.b. Date of Signature (mm/dd/yyyy)</p>	
<p>New</p>		

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Page 9, Information on Preparer, If Prepared By someone Other Than the Sponsor	<p>[Page 9]</p> <p>Part 9. Information on Preparer, If Prepared By Someone Other Than the Sponsor</p> <p><i>Preparer's Full Name</i></p> <p>1.a. Preparer's Family Name (Last Name) 1.b. Preparer's Given Name (First Name) 2. Preparer's Business or Organization Name (if any)</p> <p><i>Preparer's Mailing Address</i></p> <p>3.a. Street Number and Name 3.b. Apt. Ste. Flr. 3.c. City or Town 3.d. State 3.e. Zip Code 3.f. Province 3.g. Postal Code 3.h. Country</p>



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	<p>Preparer's Contact Information</p> <p>4. Preparer's Daytime Telephone Number</p> <p>5. Preparer's Email Address</p> <p>6. Business State ID # (if any)</p> <p>Declaration</p> <p>I certify under penalty of perjury under the laws of the United States that I prepared this affidavit of support at the sponsor's request and that this affidavit of support is based on all information of which I have knowledge.</p> <p>7.a. Signature of Preparer 7.b. Date of Signature (mm/dd/yyyy)</p>
New	

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TABLE OF CHANGES – INSTRUCTIONS
Form I-864, Affidavit of Support Under Section 213A of the INA
OMB Number: 1615-0075
03/27/2015

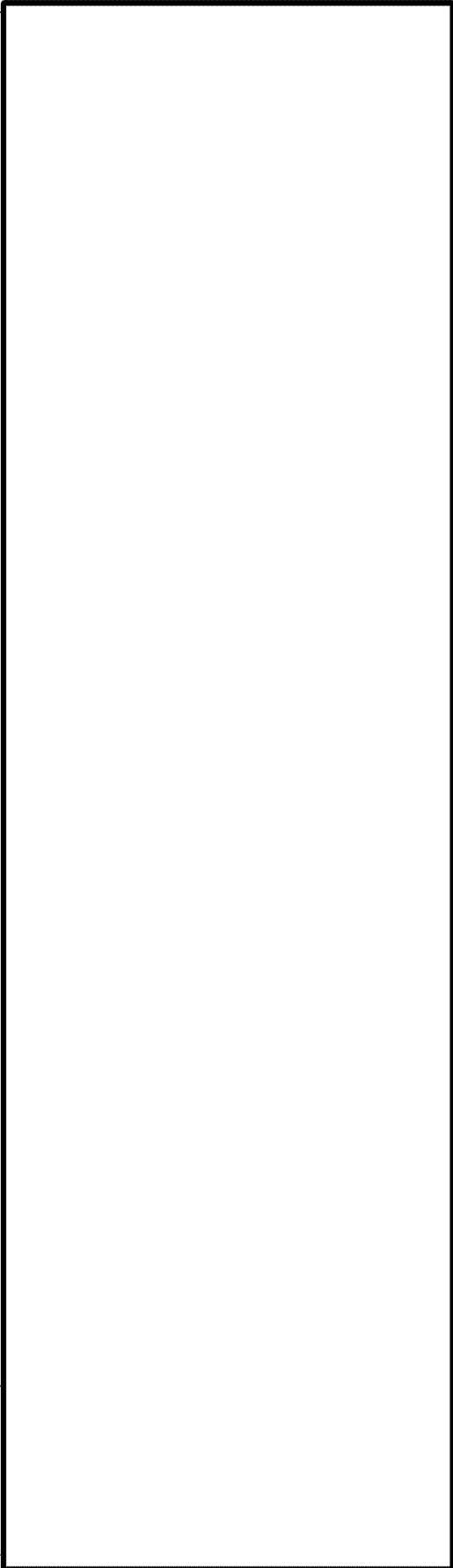
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Reason for Revision: Updates to format, standard language, and edits provided by subject matter experts.

Current Page Number and Section	Current Text	Proposed Text
<p>Page 1, What Is the Purpose of This Form?</p>	<p>[Page 1]</p> <p>What Is the Purpose of This Form?</p> <p>This form is required for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and are not likely to become a public charge. For more information about Form I-864, Affidavit of Support Under Section 213A of the Act, or to obtain related forms please contact:</p> <ol style="list-style-type: none"> 1. The USCIS Web site (www.uscis.gov); 2. The USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833 ; or 3. Your local USCIS office by using Infopass. 	
<p>Page 1, How Is This Form Used?</p>	<p>[Page 1]</p> <p>How Is This Form Used?</p> <p>This form is a contract between a sponsor and the U.S. Government. Completing and signing this form makes you the sponsor. You must show on this form that you have enough income and/or assets to maintain the intending immigrant(s) and the rest of your household at 125 percent of the Federal Poverty Guidelines. By signing Form I-864, you are agreeing to use your resources to support the intending immigrant(s) named in this form, if it becomes necessary.</p> <p>The submission of this form may make the sponsored immigrant ineligible for certain Federal, State, or local means-tested public benefits, because an agency that provides means-tested public benefits will consider <i>your</i> resources and assets as available to the</p>	

	<p>sponsored immigrant in determining his or her eligibility for the program.</p> <p>If the immigrant sponsored in this affidavit does receive one of the designated Federal, State or local means-tested public benefits, the agency providing the benefit may request that you repay the cost of those benefits. That agency can sue you if the cost of the benefits provided is not repaid.</p> <p>Not all benefits are considered to be means-tested public benefits. See Form I-864P, Poverty Guidelines, for more information on which benefits may be covered by this definition, or the contract in Part 8. of this form for a list of benefits explicitly not considered means-tested public benefits.</p>	
<p>Page 1, Who Needs This Form?</p>	<p>[Page 1]</p> <p>Who Needs This Form?</p> <p>The following immigrants are required by law to submit Form I-864 completed by the petitioner to obtain an immigrant visa overseas or to adjust status to that of a lawful permanent resident in the United States:</p> <ol style="list-style-type: none">1. All immediate relatives of U.S. citizens (spouses, unmarried children under age 21, and parents of U.S. citizens age 21 and older);2. All family-based preference immigrants (unmarried sons and daughters of U.S. citizens, spouses and unmarried sons and daughters of permanent resident aliens, married sons and daughters of U.S. citizens, and brothers and sisters of U.S. citizens age 21 and older); and3. Employment-based preference immigrants in cases only when a U.S. citizen or lawful permanent resident relative filed the immigrant visa petition or such relative has a significant ownership interest (five percent or more) in the entity that filed the petition.	

<p>Pages 1-2, Are There Exceptions to Who Needs This Form?</p>	<p>[Page 1]</p> <p>Are There Exceptions to Who Needs This Form?</p> <p>The following type of intending immigrants do not need to file this form:</p> <ol style="list-style-type: none">1. Any intending immigrant who has earned or can be credited with 40 qualifying quarters (credits) of work in the United States. In addition to their own work, intending immigrants may be able to secure credit for work performed by a spouse during marriage and by their parent(s) while the immigrants were under 18 years of age. The Social Security <p>[Page 2]</p> <p>Administration (SSA) can provide information on how to count quarters of work earned or credited and how to provide evidence of such. See the SSA Web site at www.ssa.gov/mystatement/credits for more information;</p> <ol style="list-style-type: none">2. Any intending immigrant who will, upon admission, acquire U.S. citizenship under section 320 of the Immigration and Nationality Act, as amended by the Child Citizenship Act of 2000 (CCA);3. Self-petitioning widows(ers) who have an approved Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360; and4. Self-petitioning battered spouses and children who have an approved Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360. <p>NOTE: If you qualify for one of the exemptions listed above, submit Form I-864W, Intending Immigrant's Affidavit of Support Exemption, instead of Form I-864.</p>
<p>Page 2, General Instructions</p>	<p>[Page 2]</p> <p>General Instructions</p> <p>If you are completing this form on a computer, the data you enter will be</p>



captured using 2D barcode technology. This capture will ensure that the data you provide is accurately entered into USCIS systems. As you complete each field, the 2D barcode line at the bottom of each page will shift as data is captured. Upon receipt of your form, USCIS will use decoding equipment to extract the data from the form. Please **do not damage the 2D barcode** (e.g., puncture, staple, spill on, write on, etc.) as this could affect the ability of USCIS to timely process your form.

Each application must be properly signed and filed. A photocopy of a signed application or a typewritten name in place of a signature is not acceptable. An application or petition is not considered properly filed until accepted by USCIS.

Evidence. You must submit all required initial evidence as well as all the supporting

documentation with your application at the time of filing.

Copies. Unless specifically required that an original document be filed with an application or petition, a legible photocopy may be submitted. Original documents submitted when not required may remain a part of the record, and will not automatically be returned to you.

Translations. Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

How to Fill Out Form I-864

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, write your name and Alien Registration Number (A-Number) (if any), at the top of each sheet of paper, indicate the Part and item number to which your answer refers, and date and sign each sheet.
3. Answer all questions fully and accurately. If an item is not applicable or the answer is "none," leave the space blank.

**Pages 2-8,
General Instructions**

[Page 2]

General Instructions

Part 1. Basis for Filing Affidavit of Support.

1.a. Check **Item Number "1.a."** if you are the petitioner who is filing or who has already filed a Form I-129F for a fiancé (e), Form I-130 for a family member, or Form I-600 or Form I-600A for an orphan. If you are the petitioner, you must sponsor each intending immigrant.

1.b. Check **Item Number "1.b."** if you are filing or have filed Form I-140 for your husband, wife, father, mother, child, adult son or daughter, brother, or sister.

1.c. Check **Item Number "1.c."** if you have an ownership interest of at least 5 percent in a business, corporation or other entity that filed or is filing a Form I-140 for your husband, wife, father, mother, child, adult son or daughter, brother, or sister.

[Page 3]

1.d. Check **Item Number "1.d."** if you are the only joint sponsor.

1.e. Check **Item Number "1.e."** if you are either of two joint sponsors.

NOTE: A joint sponsor does not have to be related to the intending immigrant. Indicate whether you are the only joint sponsor or one of two joint sponsors. Check with the petitioning sponsor or the intending immigrant if you are not certain.

1.f. Check **Item Number "1.f."** if you are the substitute sponsor. A substitute sponsor is a sponsor who is completing a Form I-864 on behalf of an intending immigrant

whose original Form I-130 petitioner has died after the Form I-130 was approved, but before the intending immigrant obtained permanent residence. The substitute sponsor must be related to the intending immigrant in one of the following ways: spouse, parent, mother-in-law, father-in-law, sibling, child (at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild or legal guardian. The substitute sponsor must also be a U.S. citizen or lawful permanent resident. If you are a substitute sponsor, you must sponsor each intending immigrant.

Part 2. Information on the Principal Immigrant. *The principal immigrant is the intending immigrant who is the primary beneficiary of the visa petition.*

1. Item Number 5. Alien Registration Number.

An "A-Number" is an Alien Registration Number assigned by the former Immigration and Naturalization Service (INS) or U.S. Citizenship and Immigration Services (USCIS). If the intending immigrants you are sponsoring have not previously been in the United States or have only been in the United States as tourists, they probably do not have A-Numbers. Persons with A-Numbers can

locate the number on their INS or USCIS-issued documentation.

Part 3. Information on Immigrant(s) You Are Sponsoring.

1. Indicate whether you are sponsoring the principal immigrant listed in **Part 2.** in this Form I-864. This only applies to cases with two joint sponsors. Check "No" if you are sponsoring only intended immigrants listed in **Part 3., Item Numbers 2.a. - 6.g.)** and not the principal immigrant listed in **Part 2.**

2. Family Members.

The immigrant you are sponsoring may be bringing a spouse and/or children to the United States. If the spouse and/or children will be traveling with the immigrant, or within 6 months of the immigrant's entry to the United States and you are sponsoring them, you should list the names and other requested information on the lines provided. If any dependents are not immigrating, will be immigrating more than 6 months after the sponsored alien arrives in the United States, or you are not sponsoring them, do not list their names here. A separate Form I-864 will be required for them when they apply for their immigrant visas.

Part 4. Information on the Sponsor

Item Number 5. Country of Domicile.

This question is asking you to indicate the country where you maintain your principal residence and where you plan to reside for the foreseeable future. If your mailing address and/or place of residence is not in the United States, but your country of domicile is the United States, you must attach a written explanation and documentary evidence indicating how you meet the domicile requirement. If you are not currently living in the United States, you may meet the domicile requirement if you can submit evidence to establish that any of the following conditions apply:

1. You are employed by a certain organization.

Some individuals employed overseas are automatically considered to be domiciled in the United States because of the nature of their employment. The qualifying types of employment include employment by:

- a. The U.S. government;

b. An American institution of research recognized by the Secretary of Homeland Security (the list of qualifying institutions may be found at 8 CFR 316.20);

[Page 4]

c. A U.S. 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 or corporation;

d. A public international organization in which the United States participates by treaty or statute;

e. A religious denomination having a bona fide organization in the United States, if the employment abroad involves the person's performance of priestly or ministerial functions on behalf of the denomination; or

f. A religious denomination or interdenominational missionary organization having a bona fide organization in the United States, if the person is engaged solely as a missionary.

2. You are living abroad temporarily.

If you are not currently living in the United States, you must show that your trip abroad is temporary and that you have maintained your domicile in the United States. You can show this by providing proof of your voting record in the United States, proof of paying U.S. State or local taxes, proof of having property in the United States, proof of maintaining bank or investment accounts in the United States, or proof of having a permanent mailing address in the United States. Other proof could be evidence that you are a student studying abroad or that a foreign government has authorized a temporary stay.

3. You intend in good faith to reestablish your domicile in the United States no later than the date of the intending immigrant's admission or adjustment of status.

You must submit proof that you have taken concrete steps to establish that you will be domiciled in the United States at a time no later than the date of the intending immigrant's admission or adjustment of status. Concrete steps might include accepting a job in the United States, signing a lease or purchasing a residence in the United States, or registering children in U.S. schools. Please attach proof of the steps you have taken to establish domicile as described above.

4. Item Number 10. U.S. Social Security Number.

Section 213A(i) of the Immigration and Nationality Act requires that your U.S. Social Security Number must be included on this Form I-864. If you do not have a U.S. Social Security Number, you must obtain one before submitting this Form I-864. If you do not provide this information, USCIS cannot accept this Form I-864, and the intending immigrant may not be able to immigrate to the United States. Your U.S. Social Security Number may be used to verify, and if necessary, to enforce, your obligations under the Form I-864.

5. Item Number 11.a. - 11.c. Citizenship/Residency.

Proof of U.S. citizen, national, or permanent resident status is required for joint and substitute sponsors and for relatives of employment-based immigrants who file this form. Petitioning relatives who have already filed proof of their citizenship or immigration status with Form I-129F, Form I-130, Form I-600 and Form I-600A do not need to submit proof of their status with this form.

Proof of U.S. citizen or national status

includes a copy of your birth certificate, certificate of naturalization, certificate of citizenship, consular report of birth abroad to citizen parents, or a copy of the biographic data page of your U.S. passport.

Proof of permanent resident status includes a photocopy of both sides of the "green card," Form I-551, Alien Registration Receipt Card/Permanent Resident Card; or a photocopy of an unexpired temporary I-551 stamp in either a foreign passport or a DHS Form I-94, Arrival/Departure Document.

6. Item Number 12. Military Service.

Check "yes" if you are the petitioning sponsor and on active duty in the U.S. Army, Marines, Navy, Air Force, or Coast Guard, other than for training. If you provide evidence that you are currently on active duty in the military and you are petitioning for your spouse or minor child, you will need to demonstrate income at only 100 percent of the poverty level for your household size, instead of at 125 percent of the poverty level. (See Form I-864P, Poverty Guidelines, for information

on the poverty levels.) Check "no" if you are not on active duty in the U.S. military. This provision does not apply to joint and substitute sponsors.

[Page 5]

Part 5. Sponsor's Household Size.

This section asks you to add together the number of persons for whom you are financially responsible. Some of these persons may not be residing with you. Make sure you do not count any individual more than once, since in some cases the same person could fit into two categories. For example, your spouse (whom you would enter on **Item Number 3**, might also be a lawful permanent resident whom you have already sponsored using Form I-864 (**Item Number 6**). If you included your spouse on **Item Number 3**, do not include him or her again on **Item Number 6**.

1. Item Number 4. Enter the number of unmarried children you have who are under age 21, even if you do not have legal custody of these children. You may exclude any unmarried children under 21, if these children have reached majority under the law of their place of domicile and you do not claim them as dependents on your income tax returns.

2. Item Number 5. Enter the number of any other dependents. You must include each and every person whom you have claimed as a dependent on your most recent Federal income tax return, even if that person is not related to you. Even if you are not *legally obligated* to support that person, you must include the person if in fact you

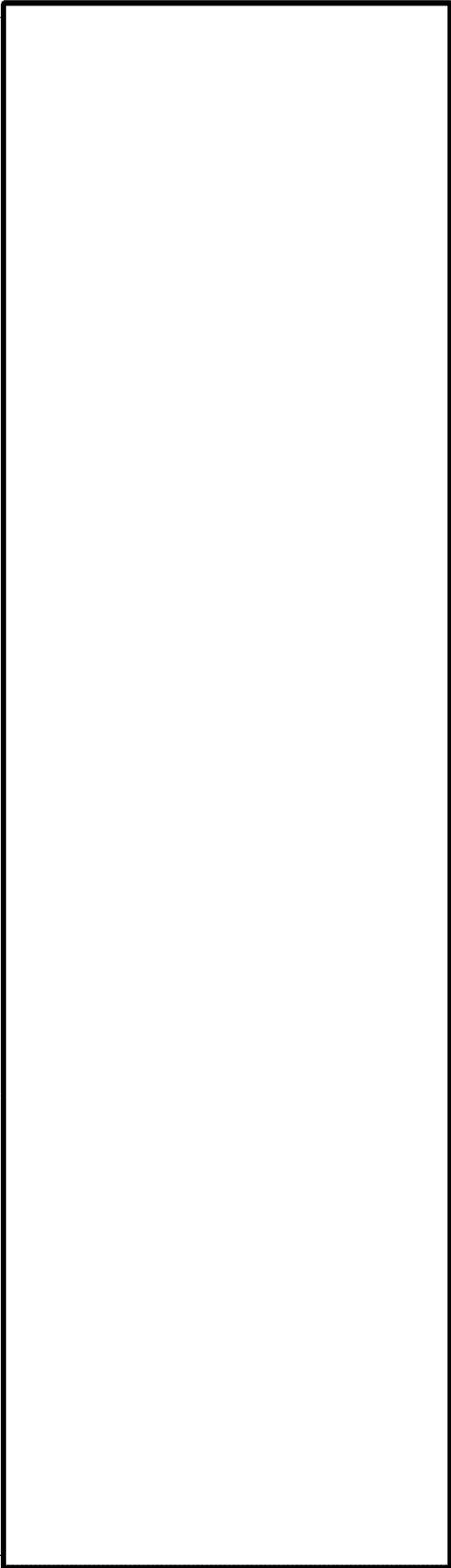
did support that person and claimed the person as a dependent.

3. Item Number 6. Enter the number of lawful permanent residents whom you are currently obligated to support based on your previous submission of Form I-864 as a petitioning, substitute, or joint sponsor, or of Form I-864EZ as a petitioning sponsor. Include only those persons who have already immigrated to the United States. Do not include anyone for whom your obligation to support has ended through the sponsored immigrant's acquisition of U.S. citizenship, death, abandonment of lawful permanent residence in the United States, acquisition of 40 quarters of earned or credited work in the United States, or obtaining a new grant of adjustment of status while in removal proceedings based on a new affidavit of support, if one is required.

4. Item Number 7. This question gives you the option of including certain other non-dependent relatives who are living in your residence as part of your household size. Such relatives may include your mother, father, sister, brother or adult children, if they are living in your residence. However, the only reason to include these family members in your household size is if you need to include their income when you calculate your household income for purposes of meeting the income requirement for this form. To be considered, any relative indicated in this category must sign and submit Form I-864A.

Part 6. Sponsor's Income and Employment.

1. - 4. Job Classification.



Check the **Item Number 1 - 4.** that applies to you and provide the requested information.

5. Current Individual Annual Income.

Enter your current individual earned or retirement annual income that you are using to meet the requirements of this form and indicate the total on this line.

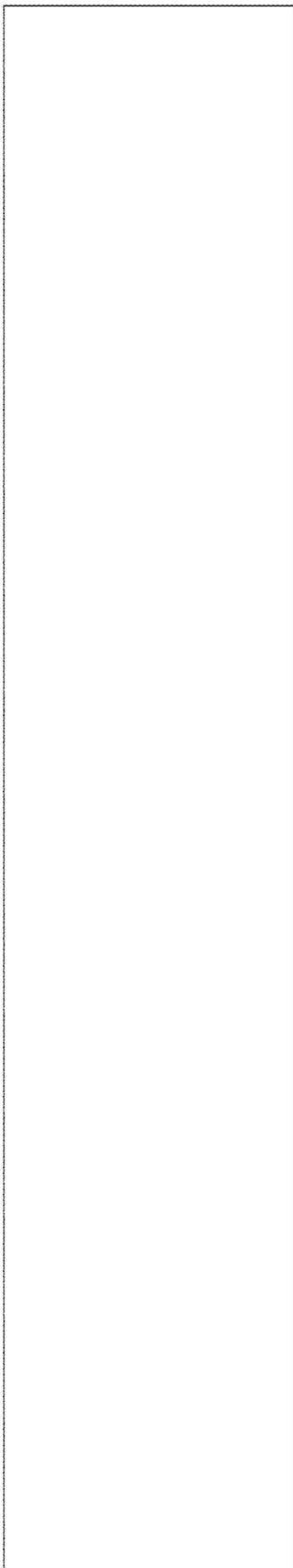
You may include evidence supporting your claim about your expected income for the current year if you believe that submitting this evidence will help you establish ability to maintain sufficient income. **You are not required to submit this evidence, however, unless specifically instructed to do so by a Government official.** For example, you may include a recent letter from your employer, showing your employer's address and telephone number, and indicating your annual salary. You may also provide pay stub(s) showing your income for the previous 6 months. If your claimed income includes alimony, child support, dividend or interest income, or income from any other source, you may also include evidence of that income.

6. Annual Household Income.

This section is used to determine the sponsor's household income. Take your annual individual income from **Item Number 5.** and enter it on **Item Number 6.c.** If this amount is greater than 125 percent (or 100 percent if you are on active duty in the U.S. military and sponsoring your spouse or child) of the Federal Poverty Guidelines for your household size from **Part 5., Item Number 8.**, you do not need to include any household member's income. See Form I-864P for reference on the Poverty Guidelines.

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To determine the filing requirements for your relatives included in **Part 6, Item Number 7. - 10.**, follow these instructions:



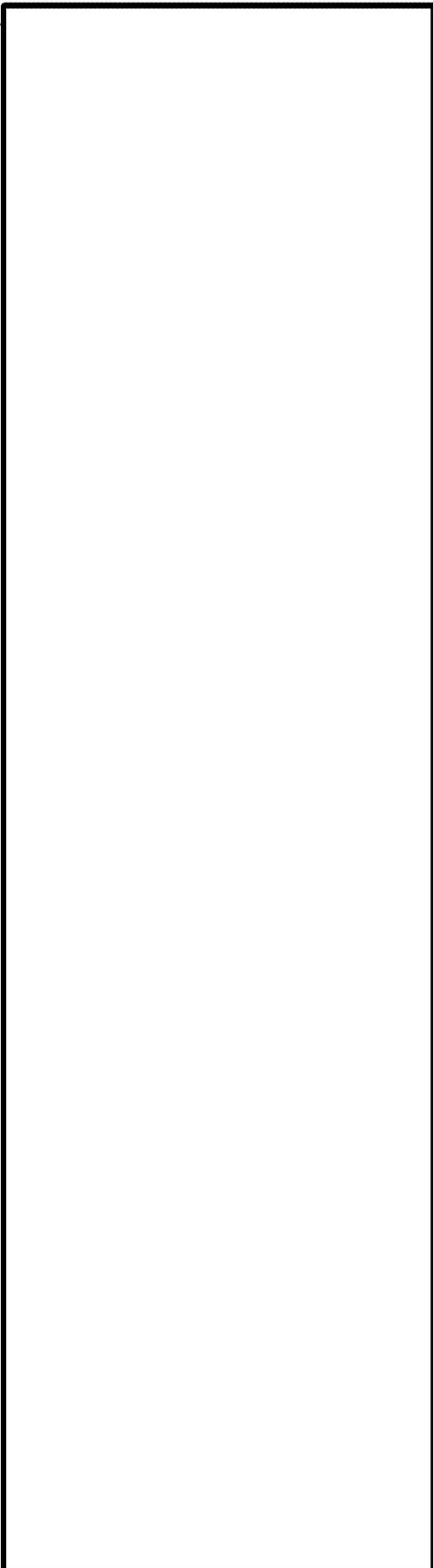
a. If you included the income of your spouse listed in **Part 5, Item Number 3.**, or any **child** listed in **Part 5., Item Number 4.**, or any **dependent** listed in **Part 5., Item Number 5.**, or any other relative listed in **Part 5., Item Number 7.**, each one of these individuals must be over 18 years of age and must complete Form I-864A.

b. If you included the income of the intending immigrant who is your spouse (he or she would be counted on **Item Number 7. of Part 5.**), evidence that his/her income will continue from the current source after obtaining lawful permanent resident status must be provided. He/she does not need to complete Form I-864A unless he/she has accompanying children.

c. If you included the income of the intending immigrant who is not your spouse, (he or she would be counted on **Item Number 1. of Part 5.**), evidence that his or her income will continue from the current source after obtaining lawful permanent resident status must be provided and the intending immigrant must provide evidence that he/she is living in your residence. He or she does not need to complete Form I-864A, Contract Between Sponsor and Household Member, unless he or she has an accompanying spouse or children.

7. Item Number 14. Federal Income Tax Information.

You must provide either an IRS transcript or a photocopy from your own records of your Federal individual income tax return for the most recent tax year. If you believe additional returns may help you to establish your ability to maintain sufficient income, you may submit transcripts or photocopies of your Federal individual income tax returns for the three most recent years.



You are not required to have the IRS certify the transcript or photocopy unless specifically instructed to do so by a Government official; a plain transcript or photocopy is acceptable. Telefile tax records are not acceptable proof of filing.

Do not submit copies of your State income tax returns. **Do not** submit any tax returns that you filed with any foreign government unless you claim that you were not required to file a Federal tax return with the United States government and you wish to rely on the foreign return solely to establish the amount of your income that is not subject to tax in the United States.

If you provide a photocopy of your tax return(s), you must include a copy of each and every Form W-2 and Form 1099 that relates to your return(s). Do not include copies of these Forms if you provide an IRS transcript of your return(s) rather than a photocopy.

If you checked **Item Number 2**, in **Part 6**, (self-employed), you should have completed one of the following forms with your Federal income tax return: Schedule C (Profit or Loss from Business), Schedule D (Capital Gains), Schedule E (Supplemental Income or Loss) or Schedule F (Profit or Loss from Farming). You must include each and every Form 1040 Schedule, if any, that you filed with your Federal tax return.

If you were required to file a Federal income tax return during any of the previous three tax years but did not do so, you must file any and all late returns with IRS and attach an IRS-generated tax return transcript documenting your late filing before submitting the I-864 Affidavit of Support. If you were not required to file a Federal income tax return under U.S. tax law because your income was too low, attach a written explanation. If you were not required to file a Federal income tax return under U.S. tax law for any other

reason, attach a written explanation including evidence of the exemption and how you are subject to it. Residence outside of the United States does not exempt U.S. citizens or lawful permanent residents from filing a U.S. Federal income tax return. See "Filing Requirements" in the IRS Form 1040 Filing Instructions to determine whether you were required to file.

For purposes of this affidavit, the line for gross (total) income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040 EZ, the line for adjusted gross income will be considered.

Obtaining Tax Transcripts. You may use Internal Revenue Service (IRS) Form 4506-T to request tax transcripts from the IRS. Complete IRS Form 4506-T with the ending date for each of your three most recent tax years listed on **Item Number 9**. Follow all instructions for completing and filing Form 4506-T with the IRS.

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Part 7. Use of Assets to Supplement Income.

Only complete this Part if you need to use the value of assets to meet the income requirements. If your Total Household Income (indicated on **Item Number 10**, of **Part 6**.) is equal to or more than needed to meet the income requirement as shown by the current Poverty Guidelines (Form I-864P) for your household size (indicated on **Item Number 8**, of **Part 5**.), you do not need to complete this Part. If your total household income does not meet the requirement, you may submit evidence of the value of your assets, the sponsored immigrant's assets, and/or assets of a household member that can be used, if necessary, for the support of the intending

immigrant(s). The value of assets of all of these persons may be combined in order to meet the necessary requirement.

Only assets that can be converted into cash within one year and without considerable hardship or financial loss to the owner may be included. The owner of the asset must include a description of the asset, proof of ownership, and the basis for the owner's claim of its net cash value.

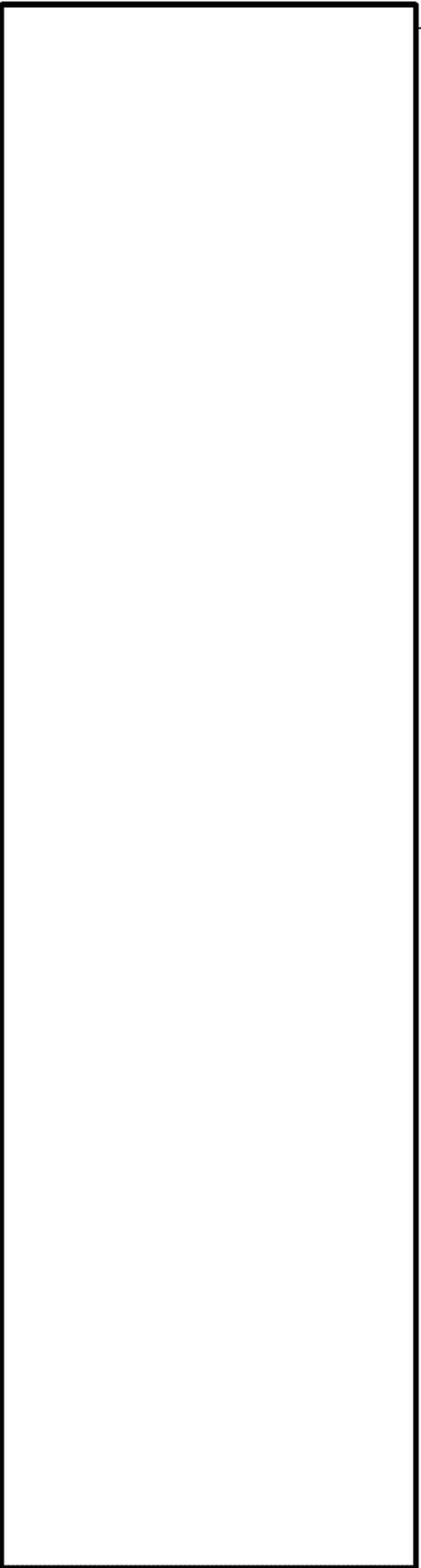
You may include the net value of your home as an asset. The net value of the home is the appraised value of the home, minus the sum of any and all loans secured by a mortgage, trust deed, or other lien on the home. If you wish to include the net value of your home, this, you must include documentation demonstrating that you own it, a recent appraisal by a licensed appraiser, and evidence of the amount of any and all loans secured by a mortgage, trust deed, or other lien on the home. You may not include the net value of an automobile unless you show that you have more than one automobile, and at least one automobile is not included as an asset.

1. - 4. Assets.

To use your own assets, you must complete **Part 7, Item Number 1. - 4.** and submit corresponding evidence with this form. Supporting evidence must be attached to establish location, ownership, date of acquisition, and value of any real estate holding.

5. Household Member's Assets.

To use the assets of a relative (spouse, adult son or daughter, parent or sibling), the relative must reside with you and have completed a Form I-864A, Contract Between Sponsor and Household Member, with accompanying evidence of assets. The Form I-864A and accompanying evidence of assets is submitted with Form I-864. You may use the assets of more than one relative who resides with you so long as you submit a complete Form I-864A with evidence of assets for each such relative.



6. - 8. Assets of the Intending Immigrant.

You may use the assets of the intending immigrant regardless of where he or she resides. The intending immigrant must provide evidence of such assets with this form. Form I-864A is not required to document the intending immigrant's assets.

9. Total Value of Item Numbers 6. - 8. of Part 7. Enter the number in this field.

10. Total Value of Assets.

In order to qualify based on the value of your assets, the total value of your assets must equal at least five times the difference between your total household income and the current poverty guidelines for your household size. However, if you are a U.S. citizen and you are sponsoring your spouse or minor child, the total value of your assets must only be equal to at least three times the difference. If the intending immigrant is an alien orphan who will be adopted in the United States after the alien orphan acquires permanent residence, and who will, as a result, acquire citizenship under section 320 of the Act, the total value of your assets need only equal the difference.

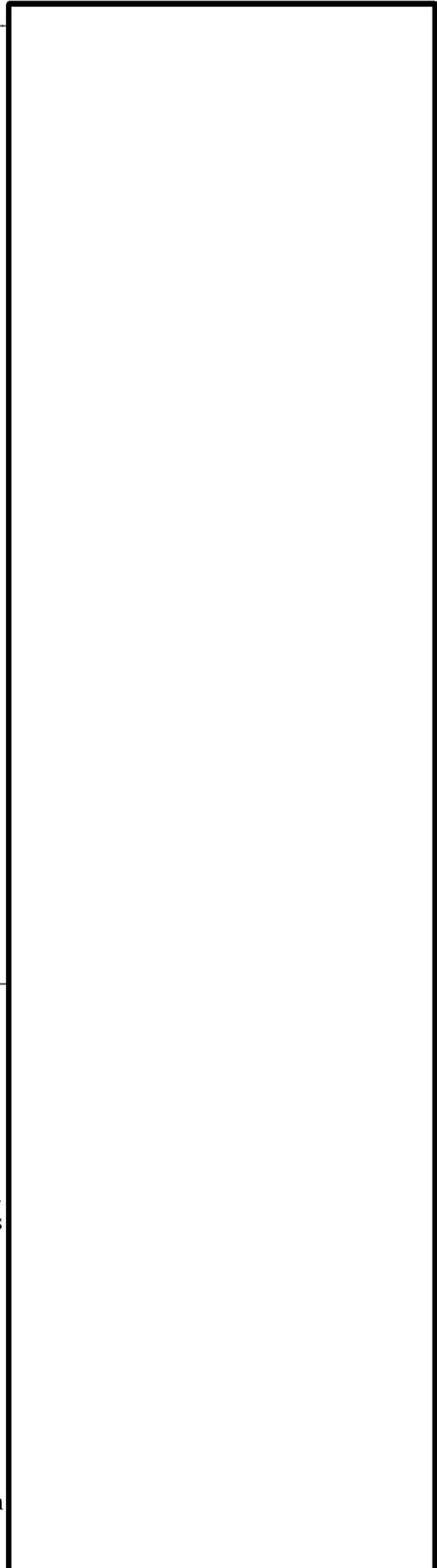
Example of How to Use Assets: If you are petitioning for a parent and the poverty line for your household size is \$22,062 and your current income is \$18,062, the difference between your current income and the poverty line is \$4,000. In order for assets to help you qualify, the combination of your assets, plus the assets of any household member who is signing Form I-864A, plus any available assets of the sponsored immigrant, would have to equal five times this difference (5 x \$4,000). In this case, you would meet the income requirements if the net value of the assets equaled at least \$20,000.

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Part 8. Sponsor's Contact Information.

Read the contract carefully, print your name, and then sign and date the form. **If you do not print your name and sign and date the form, the intending immigrant you are sponsoring cannot be issued a visa or be granted adjustment of status.**

<p>Pages 8-10, Specific Requirements</p>	<p>[Page 8]</p> <p>Specific Requirements</p> <p>1. Who Completes and Signs Form I-864?</p> <p>A sponsor completes and signs Form I-864. A sponsor is required to be at least 18 years old and domiciled in the United States, or its territories or possessions (see Part 4, Information on the Sponsor, Item Number 5. of these instructions for more information on domicile). The petitioning sponsor must sign and complete Form I-864, even if a joint sponsor also submits an I-864 to meet the income requirement. The list below identifies who must become sponsors by completing and signing a Form I-864.</p>



a. The U.S. citizen or lawful permanent resident who filed a Form I-129F, Petition for Alien Fiance(e), for a fiance(e), Form I-130, Petition for Alien Relative, for a family member; Form I-600, Petition to Classify Orphan as an Immediate Relative, or Form I-600A, Application for Advance Processing of Orphan Petition, for an orphan.

b. The U.S. citizen or permanent resident alien who filed a Form I-140, Immigrant Petition for Alien Worker, for a spouse, parent, son, daughter, or sibling who: **(1)** has a significant ownership interest (5 percent or more) in the business which filed the employment-based immigrant visa petition; or **(2)** is related to the intending immigrant as a spouse, parent, son, daughter, or sibling.

2. What Are the Income Requirements?

To qualify as a sponsor, you must demonstrate that your income is at least 125 percent of the current Federal poverty guideline for your household size. The Federal poverty line, for purposes of this form, is updated annually and can be found on Form I-864P, Poverty Guidelines, on the USCIS Web site at www.uscis.gov.

If you are on active duty in the U.S. Armed Forces, including the Army, Marines Navy, Air Force or Coast Guard, and you are sponsoring your spouse or minor child, you only need to have an income of 100 percent of the Federal poverty line for your household size. This provision does not apply to joint or substitute sponsors.

3. How Do I Count Household Size?

Your household size includes yourself and the following individuals, no matter where they live: any spouse, any dependent

children under the age of 21, any other dependents listed on your most recent Federal income tax return, all persons being sponsored in this affidavit of support, and any immigrants previously sponsored with a Form I-864 or Form I-864 EZ, Affidavit of Support Under Section 213A of the Act, whom you are still obligated to support. If necessary to meet the income requirements to be a sponsor, you may include additional relatives (adult children, parents, or siblings) as part of your household size as long as they have the same principle residence as you and promise to use their income and resources in support of the intending immigrant(s).

4. What If I Cannot Meet the Income Requirements?

If your income alone is not sufficient to meet the requirement for your household size, the intending immigrant will be ineligible for an immigrant visa or adjustment of status, unless the requirement can be met using any combination of the following:

a. Income from any relatives or dependents living in your household or dependents listed on your most recent Federal tax return who signed a Form I-864A, Contract Between Sponsor and Household Member.

b. Income from the intending immigrant, if that income will continue from the same source after immigration, and if the intending immigrant is currently living in your residence. If the intending immigrant is your spouse, his or her income can be counted regardless of current residence, but it must continue from the same source after he or she becomes a lawful permanent resident;

c. The value of your assets, the assets of any household member who has signed a Form I-864A, or the assets of the intending immigrant;

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d. A joint sponsor whose income and/or assets equal at least 125 percent of the

Poverty Guidelines. See section **9., What Is a Joint Sponsor**, for more information on joint sponsors.

5. How Can My Relatives and Dependents Help Me Meet the Income Requirements?

You may use the income of your spouse and/or any other relatives living in your residence if they are willing to be jointly responsible with you for the intending immigrant(s) you are sponsoring. If you have any unrelated dependents listed on your income tax return you may include their income regardless of where they reside.

The income of such household members and dependents can be used to help you meet the income requirements if they complete and sign Form I-864A, Contract Between Sponsor and Household Member, and if they are at least 18 years of age when they sign the form.

6. Can the Intending Immigrant Help Me Meet the Income Requirements?

If certain conditions are met, the intending immigrant's income can help you meet the income requirement. If the intending immigrant is your spouse, his or her income can be included if it will continue from the same source after he or she obtains lawful permanent resident status. If the intending immigrant is another relative, there are 2 requirements.

First, the income must be continuing from the same source after he or she obtains lawful permanent resident status, and second, the intending immigrant must currently live with you in your residence. Evidence must be provided to support both requirements.

However, an intending immigrant whose income is being used to meet the income requirement does not need to complete Form I-864A, Contract Between Sponsor and Household Member, unless the

intending immigrant has a spouse and/or children immigrating with him or her. In this instance, the contract relates to support for the spouse and/or children.

7. Does Receipt of Means-Tested Public Benefits Disqualify Me From being a Sponsor?

No. Receipt of means-tested public benefits does not disqualify anyone from being a sponsor. However, means-tested public benefits cannot be accepted as income for the purposes of meeting the income requirement.

8. How Can I Use Assets to Qualify?

Assets may supplement income if the consular or immigration officer is convinced that the monetary value of the asset could reasonably be made available to support the sponsored immigrant and converted to cash within one year without undue harm to the sponsor or his or her family members. You may not include an automobile unless you show that you own at least one working automobile that you have not included.

9. What Is a Joint Sponsor?

If the person who is seeking the immigration of one or more of his or her relatives cannot meet the income requirements, a "joint sponsor" who can meet the requirements may submit a Form I-864 to sponsor all or some of the family members.

A joint sponsor can be any U.S. citizen, U.S. national, or lawful permanent resident who is at least 18 years old, domiciled in the United States, or its territories or possessions, and willing to be held jointly liable with the petitioner for the support of the intending immigrant. A joint sponsor does not have to be related to the petitioning sponsor or the intending immigrant.

If the first joint sponsor completes Form I-864 for some rather than all the family members, a second qualifying joint sponsor will be required to sponsor the remaining family members. There may be no more than two joint sponsors. A joint sponsor must be able to meet the income requirements for all the persons he or she is sponsoring without combining resources with the petitioning sponsor or a second joint sponsor. Any dependents applying for an immigrant visa or adjustment of status more than 6 months after immigration of the intending immigrants must be sponsored by the petitioner but may be sponsored by an original joint sponsor or a different joint sponsor.

Even if one or more Form I-864s are submitted for an intending immigrant, the petitioning sponsor remains legally accountable for the financial support of the sponsored alien along with the joint sponsor(s).

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10. What Is a Substitute Sponsor?

A substitute sponsor is a sponsor who is completing a Form I-864 on behalf of an intending immigrant whose original Form I-130 petitioner has died after the Form I-130 was approved, but before the intending immigrant obtained permanent residence.

The substitute sponsor must be related to the intending immigrant in one of the following ways: spouse, parent, mother-in-law, father-in-law, sibling, child (at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild or legal guardian. The substitute sponsor must also be a U.S. citizen or lawful permanent resident.

If you are a substitute sponsor, you must indicate that that you are related to the intending immigrant in one of the ways listed above and include evidence proving that relationship. The beneficiary must also file this form along with a written statement explaining the reasons why the Form I-130 visa petition should be reinstated, having been revoked following the petitioner's death. The beneficiary must also include a copy of the Form I-130 approval notice.

11. How Long Does My Obligation as a Sponsor Continue?

Your obligation to support the immigrant(s) you are sponsoring in this affidavit of support will continue until the sponsored immigrant becomes a U.S. citizen, or can be credited with 40 qualifying quarters of work in the United States.

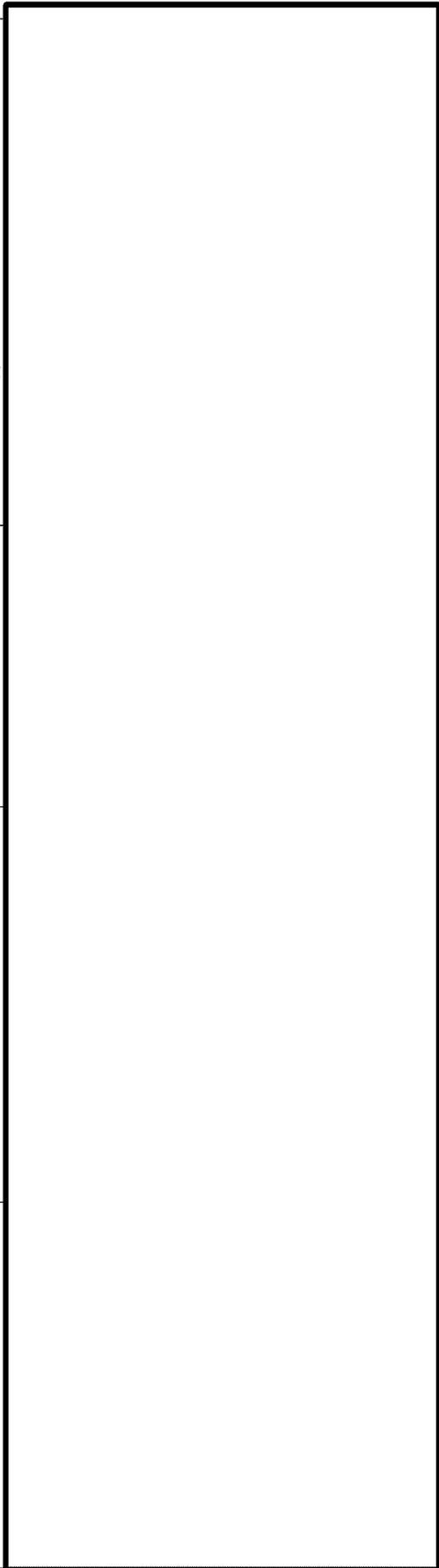
Although 40 qualifying quarters of work (credits) generally equate to 10 years of work, in certain cases the work of a spouse or parent adds qualifying quarters. The Social Security Administration can provide information on how to count qualifying quarters (credits) of work.

The obligation also ends if you or the sponsored immigrant dies or if the sponsored immigrant ceases to be a lawful permanent resident and departs the United States. Divorce does not end the sponsorship obligation.

12. Do I Need to Submit a Separate Affidavit for Each Family Member?

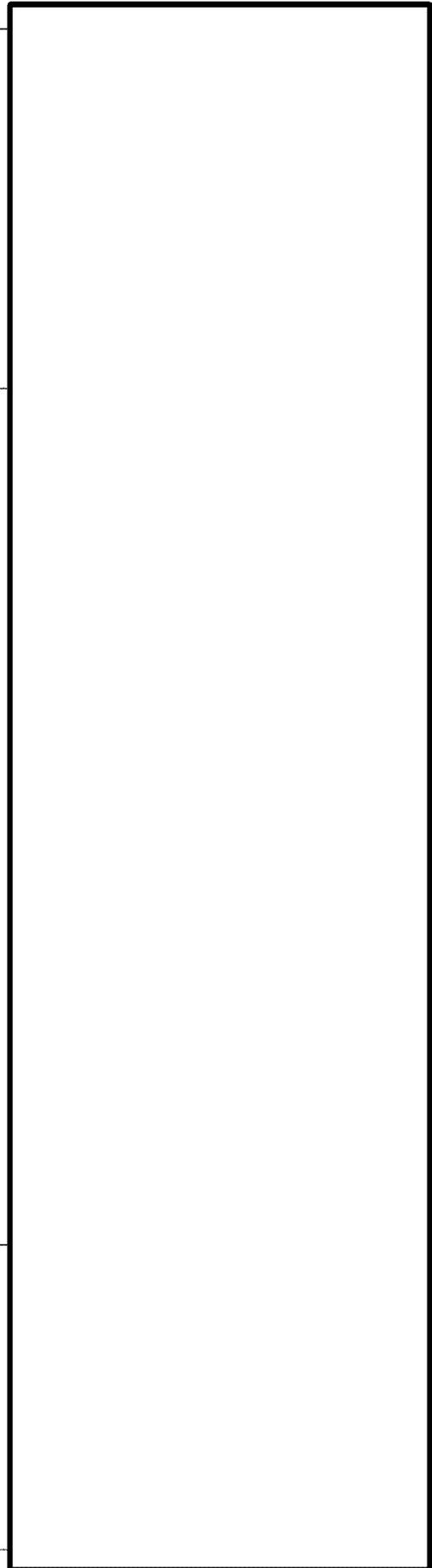
You must submit a Form I-864 affidavit of support for each intending immigrant you are sponsoring. You may submit photocopies if you are sponsoring more than one intending immigrant listed on the same affidavit of support. Separate affidavits of support are required for intending immigrants for whom different Form I-130 family-based petitions were filed. For instance, if you are sponsoring both parents, each will need an original

	<p>affidavit of support and accompanying documentation since you were required to submit separate Form I-130 visa petitions for each parent. Often a spouse or minor children obtain visas or adjust status as dependents of a relative, based on the same visa petition. If you are sponsoring such dependents, you only need to provide a photocopy of the original Form I-864, as long as these dependents are immigrating at the same time as the principal immigrant or within 6 months of the time he or she immigrates to the United States. You do not need to provide copies of the supporting documents for each of the photocopied Forms I-864.</p>
New	
Page 10, Where to File?	<p>[Page 10]</p> <p>Where to File?</p> <p>Please see the USCIS Web site at www.uscis.gov/I-864 or call the USCIS National Customer Service Center at 1-800-375-5283 for the most current information about where to file this benefit request. For TDD (hearing impaired) call: 1-800-767-1833.</p>
Pages 10-11, Address Changes	<p>[Page 10]</p> <p>Address Changes</p> <p>If you have changed your address, you must inform USCIS of your new address within 30 days of the change. To do this, you must complete and file a Form I-865, Sponsor's Change of Address. For information on filing Form I-865, go to the USCIS Web site at www.uscis.gov/I-865 or contact the National Customer Service Center at 1-800-375-5283. For TDD</p>



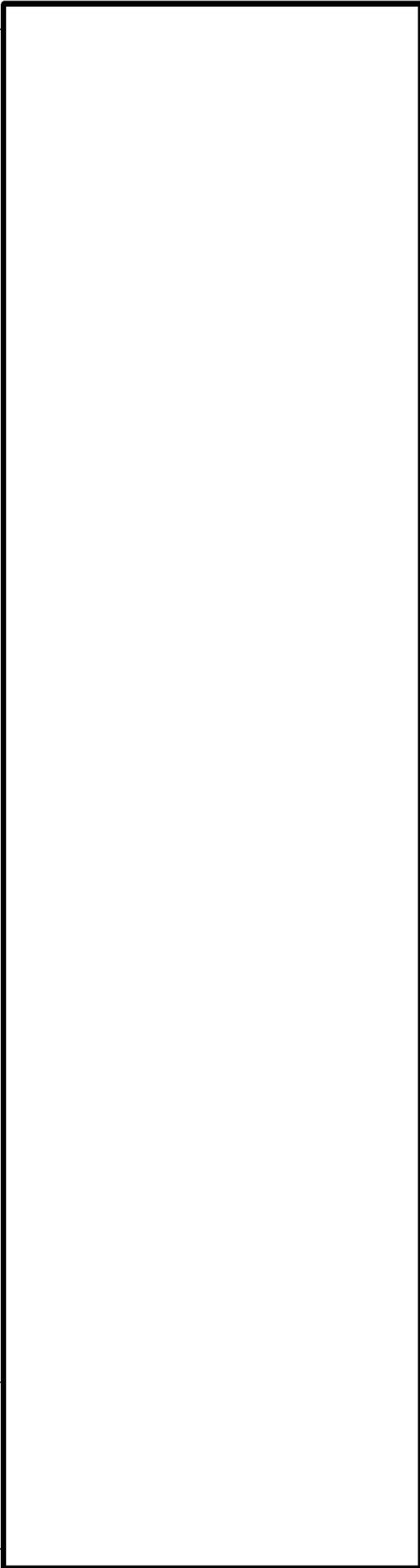
	<p>(hearing impaired) call: 1-800-767-1833.</p> <p>Note: Do not complete Form I-865 at the same time that you complete the Form I-864. You should complete and submit Form I-865 to USCIS only when the address you indicated on the original Form I-864 has changed.</p> <p>[Page 11]</p> <p>This requirement does not relieve a lawful permanent resident sponsor from filing a change of address within 10 days of the change. For information on filing a change of address, go to the USCIS Web site at www.uscis.gov/addresschange or contact the National Customer Service Center at 1-800-375-5283.</p> <p>Do not send your change of address form to a Lockbox facility because the USCIS Lockbox facilities do not process change of address requests.</p>	
<p>New</p>		

Page 11, USCIS Forms and Information	[Page 11] USCIS Forms and Information To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at 1-800-870-3676 . You may also obtain forms and information by telephoning our USCIS National Customer Service Center at 1-800-375-5283 . For TDD (hearing impaired) call: 1-800-767-1833 . As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, InfoPass . To access the system, visit the USCIS Web site. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen.
Page 11, Penalties	[Page 11] Penalties

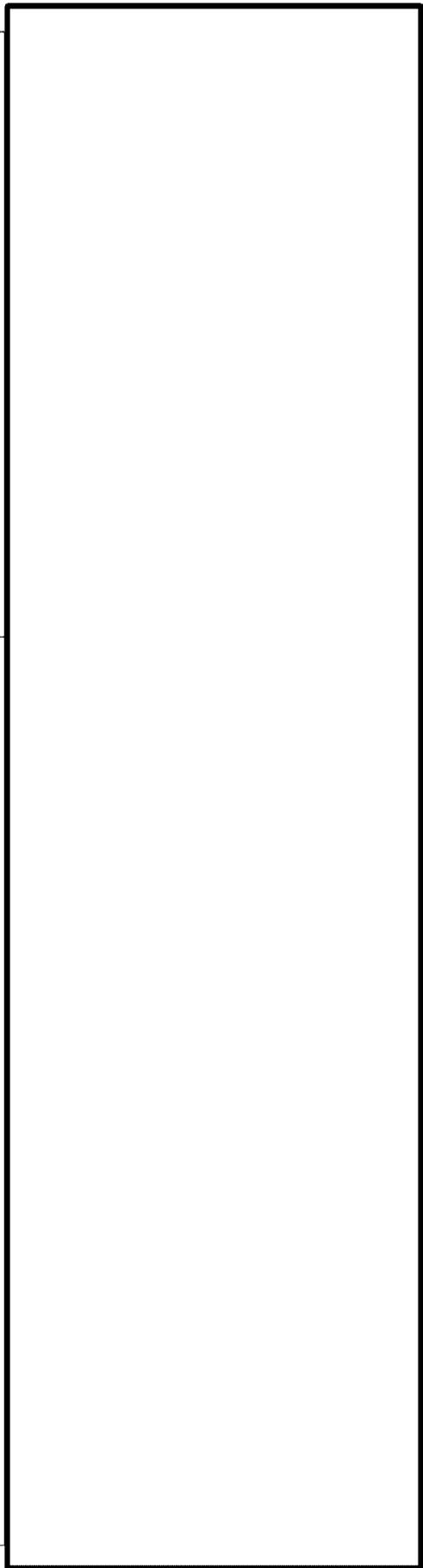


	<p>The Government may pursue verification of any information provided on or in support of this form, including employment, income, or assets with the employer, financial or other institutions, the Internal Revenue Service, or the Social Security Administration. If you include in this affidavit of support any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.</p> <p>If you fail to give notice of your change of address, as required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3, you may be liable for the civil penalty established by 8 U.S.C. 1183a(d)(2). The amount of the civil penalty will depend on whether you failed to give this notice because you were aware that the immigrant(s) you sponsored had received Federal, State, or local means-tested public benefits.</p> <p>If the failure to report your change of address occurs with knowledge that the sponsored immigrant received means-tested public benefits (other than benefits described in section 401(b), 403(c)(2), or 411(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which are summarized in the contract in Part 8) such failure may result in a fine of not less than \$2,000 or more than \$5,000. Otherwise, the failure to report your change of address may result in a fine not less than \$250 or more than \$2,000.</p>	
<p>Pages 11-12, USCIS Privacy Act Statement</p>	<p>[Page 11]</p> <p>USCIS Privacy Act Statement</p> <p>AUTHORITIES: The information requested on this benefit application, and the associated evidence, is collected pursuant to Section 213A(i) of the Immigration and Nationality Act, as amended.</p> <p>PURPOSE: The primary purpose for providing the requested information on this corresponding benefit application is to show that the applying immigrant has</p>	

	<p>enough financial support to live without concern of becoming reliant on U.S. government welfare.</p> <p>DISCLOSURE: Section 213A(i) of the Immigration and Nationality Act requires the collection of your Social Security number. Failure to provide the requested information, and any requested evidence, may prevent USCIS from accepting and approving this application, and the intending immigrant may not be able to immigrate to the United States.</p> <p>[Page 12]</p> <p>ROUTINE USES: The information you provide on this benefit application may be shared with other federal, state, local, and foreign government agencies and authorized organizations in accordance with approved routine uses, as described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File (A-File) and Central Index System (CIS), which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate for law enforcement purposes or in the interest of national security.</p> <p>The information may also, as a matter of routine use, be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration consistent with the consent signed as part of the contract in Part 8. of the Form I-864.</p>
<p>Page 12, Paperwork Reduction Act</p>	<p>[Page 12]</p> <p>Paperwork Reduction Act</p> <p>An agency may not conduct or sponsor an information collection and a person is not</p>



	<p>required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 6 hours per form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140. OMB No. 1615-0075. Do not mail your completed Form I-864 affidavit to this address.</p>
<p>Page 13, Check List</p>	<p>[Page 13]</p> <p>Check List</p> <p>The following items must be submitted with Form I-864:</p> <p>For ALL sponsors:</p> <p>A copy of your individual Federal income tax return, including W-2s for the most recent tax year, or a statement and/or evidence describing why you were not required to file. Also include a copy of each and every Form 1099, Schedule, and any other evidence of reported income. You may submit this information for the most recent 3 tax years, pay stub(s) from the most recent 6 months, and/or a letter from your employer if you believe any of these items will help you qualify.</p> <p>For SOME sponsors:</p> <p>If you are currently self-employed, a copy of your Schedule C, D, E or F from your most recent Federal Tax Return which establishes your income from your business.</p> <p>If you are sponsoring more than one intending immigrant listed on the same affidavit of support, photocopies of the</p>



original affidavit of support may be submitted for any additional intending immigrants listed. Copies of supporting documentation are not required for these family members.

If you are the petitioning sponsor and on active duty in the U.S. Armed Forces and are sponsoring your spouse or child using 100 percent of governing poverty guideline, **proof of your active military status.**

If you are using the income of persons in your household or dependents to qualify,

A separate **Form I-864A** for each person whose income you will use. However, an intending immigrant whose income is being used needs to complete Form I-864A only if his or her spouse and/or children are immigrating with him or her.

Proof of their **residency in your household and relationship** to you if they are not the intending immigrants or are not listed as dependents on your Federal income tax return for the most recent tax year.

Proof that the intending immigrant's current employment **will continue from the same source** if his or her income is being used.

A copy of their individual **Federal income tax return, including W-2s and 1099s**, for the most recent tax year, or evidence that they were not required to file. You may submit this information for the most recent 3 years if you believe it will help you qualify.

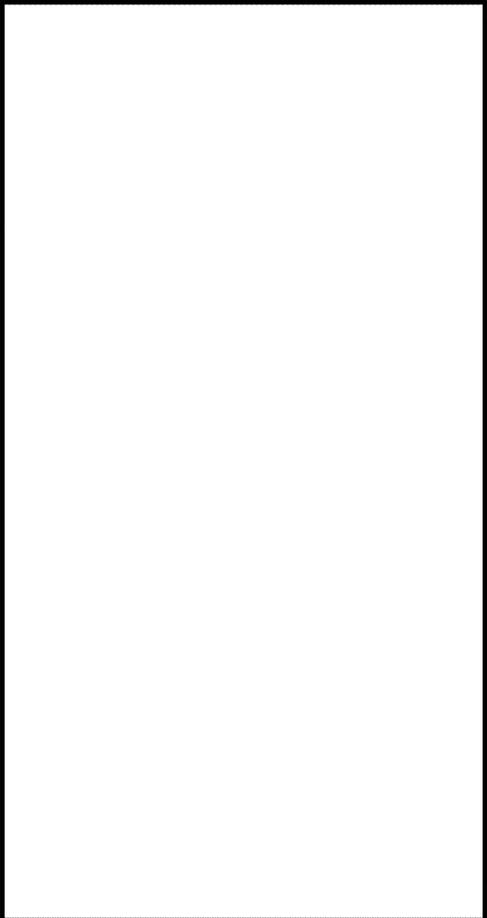
If you use your assets or the assets of a household member to qualify,

Documentation of assets establishing location, ownership, date of acquisition and value. Evidence of any liens or liabilities against these assets.

A separate **Form I-864A** for each household member using assets other than for the intending immigrant.

If you are a joint sponsor, substitute sponsor, or the relative of an employment-

	<p>based immigrant requiring an affidavit of support, proof of your citizenship status, U.S. national status or lawful permanent resident status.</p> <p>For U.S. citizens or nationals, a copy of your birth certificate, passport, or certificate of naturalization or citizenship.</p> <p>For lawful permanent residents, a copy of both sides of your Form I-551, Permanent Resident Card.</p>
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Form I-864A, Form TOC
Contract Between Sponsor and Household Member
OMB Number: 1615-0075
Date: 3/30/2015

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Reason for Revision: Updates to format and standard language, and edits provided by subject matter experts.

Location	Current Text
<p>Page 1, Part 1. Information on the Household Member. (You)</p>	<p>1. Name Last Name First Name Middle Name</p> <p>2. Mailing Address</p> <p>Street Number and Name (include apartment number) City State or Province Zip/Postal Code</p> <p>Country</p> <p>3. Place of Residence (<i>if different from mailing address</i>) Street Number and Name (include apartment number) City State or Province Zip/Postal Code</p> <p>Country</p> <p>4. Telephone Number (<i>Include area code or country and city codes</i>)</p>

	<p>5. Date of Birth (<i>mm/dd/yyyy</i>)</p> <p>6. Place of Birth City State/Province Country</p> <p>7. U.S. Social Security Number (<i>if any</i>)</p>
<p>Page 1, Part 1. Information on the Household Member. (You)</p>	<p>8. Relationship to Sponsor(check either a, b or c)</p> <p>a. I am the intending immigrant and also the sponsor's spouse.</p> <p>b. I am the intending immigrant and also a member of the sponsor's household.</p> <p>c. I am not the intending immigrant. I am the sponsor's household member. I am related the sponsor as his/her.</p> <p>Spouse Son or daughter (<i>at least 18 years old</i>) Parent Brother or sister Other dependent (<i>specify</i>)</p>
<p>Page 1, Part 1. Information on the Household Member. (You)</p>	<p>9. I am currently:</p> <p>a. Employed as a/an [Fillable Field] Name of Employer No. 1 (<i>if applicable</i>) Name of Employer No. 2 (if applicable)</p> <p>b. Self-employed as a/an [Fillable Field]</p> <p>c. Retired from [Fillable Field] (<i>Company Name</i>) since [Fillable Field] (<i>mm/dd/yyyy</i>)</p> <p>d. Unemployed since [Fillable Field]</p>

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	<p>(mm/dd/yyyy)</p> <p>10. My current individual annual income is: [Fillable Field]</p>									
<p>Page 1, Part 1. Information on the Household Member. (You)</p>	<p>11. Federal income tax information</p> <p>I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for only the most recent tax year.</p> <p>My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal tax returns for the most recent three years was:</p> <table><thead><tr><th>Tax Year</th><th>Total Income</th></tr></thead><tbody><tr><td>[Fillable Field] (most recent)</td><td>[Fillable Field]</td></tr><tr><td>[Fillable Field] (2nd most recent)</td><td>[Fillable Field]</td></tr><tr><td>[Fillable Field] (3rd most recent)</td><td>[Fillable Field]</td></tr></tbody></table> <p><i>(Optional)</i> I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.</p> <p>12. My assets (complete only if necessary).</p> <p>a. Enter the balance of all cash, savings, and checking accounts.</p> <p>b. Enter the net cash value of real-estate holdings. (Net means assessed value minus mortgage debt.)</p> <p>c. Enter the cash value of all stocks, bonds, certificates of deposit, and other assets not listed on line a or b.</p> <p>d. Add together Lines a, b, and c and enter the number here.</p>		Tax Year	Total Income	[Fillable Field] (most recent)	[Fillable Field]	[Fillable Field] (2 nd most recent)	[Fillable Field]	[Fillable Field] (3 rd most recent)	[Fillable Field]
Tax Year	Total Income									
[Fillable Field] (most recent)	[Fillable Field]									
[Fillable Field] (2 nd most recent)	[Fillable Field]									
[Fillable Field] (3 rd most recent)	[Fillable Field]									
<p>Page 2, Part 2. Sponsor's Promise.</p>										

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13. **I, THE SPONSOR**, [Fillable Field]
(*Print Name*) in consideration of the household member's promise to support the following intending immigrant(s) and to be jointly and severally liable for any obligations I incur under the affidavit of support, promise to complete and file an affidavit of support on behalf of the following [Fillable Field] named intending (*Indicate Number*) immigrant(s) (see Step-by-Step instructions).

Name

Date of Birth (mm/dd/yyyy)
A-number (*if any*)
U.S. Social Security Number (*if any*)

Name

Date of Birth (mm/dd/yyyy)
A-number (*if any*)
U.S. Social Security Number (*if any*)

Name

Date of Birth (mm/dd/yyyy)
A-number (*if any*)
U.S. Social Security Number (*if any*)

Name

Date of Birth (mm/dd/yyyy)
A-number (*if any*)
U.S. Social Security Number (*if any*)

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	<p>Name</p> <p>Date of Birth (mm/dd/yyyy) A-number (if any) U.S. Social Security Number (if any)</p>	
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	<p>2. <i>(Sponsor's Signature)</i> <i>(Date--mm/dd/yyyy)</i></p>	
<p>Page 3, Part 3. Household Member's Promise</p>	<p>15. I, THE HOUSEHOLD MEMBER, <i>(Print Name)</i> in consideration of the sponsor's promise to complete and file an affidavit of support on behalf of the above [Fillable Field] named intending immigrant(s): (Number from line 13)</p> <p>a. Promise to provide any and all financial support necessary to assist the sponsor in maintaining the sponsored immigrant(s) at or above the minimum income provided for in section 213A(a)(1)(A) of the Act (not less than 125 percent of the Federal Poverty Guidelines) during the period in which the affidavit of support is enforceable;</p> <p>b. Agree to be jointly and severally liable for payment of any and all obligations owed by the sponsor under the affidavit of support to the sponsored immigrant(s), to any agency of the Federal Government, to any agency of a State or local government, or to any other private entity that provides means-tested public benefit;</p> <p>c. Certify under penalty under the laws of the United States that all the information provided</p>	

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on this form is true and correct to the best of my knowledge and belief and that the Federal income tax returns submitted in support of the contract are true copies or unaltered tax transcripts filed with the Internal Revenue Service.

d. Consideration where the household member is also the sponsored immigrant: I understand that if I am the sponsored immigrant and a member of the sponsor's household that this promise relates only to my promise to be jointly and severally liable for any obligation owed by the sponsor under the affidavit of support to any of my dependents, to any agency of the Federal Government, to any agency of a State or local government, and to provide any and all financial support necessary to assist the sponsor in maintaining any of my dependents at or above the minimum income provided for in section 213A(s)(1)(A) of the Act (not less than 125 percent of the Federal poverty line) during the period which the affidavit of support is enforceable.

e. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.

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	<p>16.<i>(Household Member's Signature)</i></p> <p><i>(Date-mm/dd/yyyy)</i></p>	
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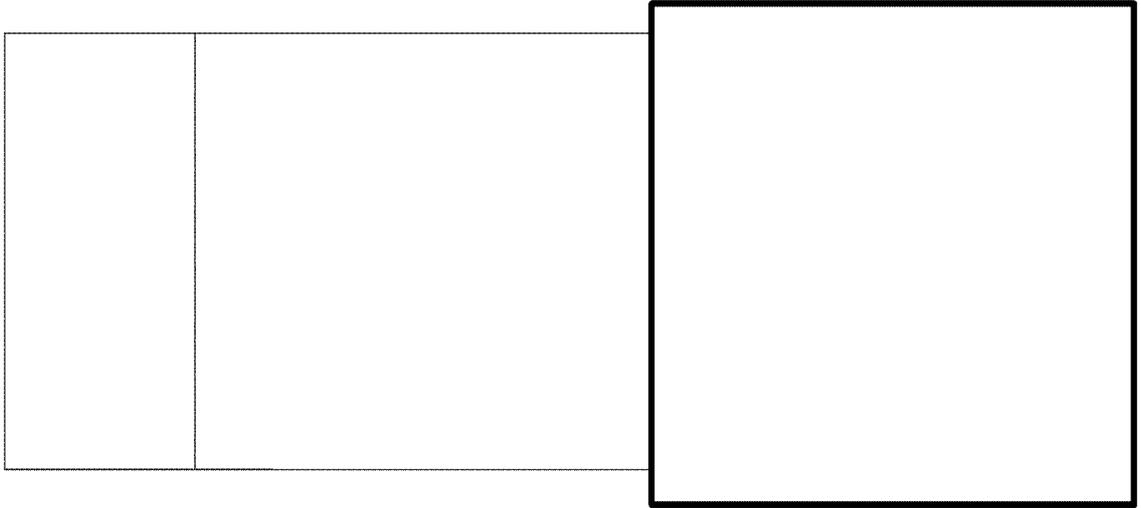
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Form I-864A, Instruction TOC
Contract Between Sponsor and Household Member
OMB Number: 1615-0075
Date: 3/30/2015

(b)(5)

Reason for Revision: Updates to format, standard language, and edits provided by subject matter experts.

Location	Current Text	Proposed Text
<p>Page 1, How Should I Complete This Form?</p>	<ul style="list-style-type: none"> • Print clearly or type your answers using CAPITAL letters. • Use black ink. • If you need extra space to answer any item: --Attach a separate sheet of paper (or more sheets if necessary); --Write your name, U.S. Social Security number and the words "Form I-864A" on the top right corner of the sheet; and --Write the number and subject of each question for which you are providing additional information. 	
<p>Page 1, What Is This Form?</p>	<p>Form I-864A, Contract Between Sponsor and Household Member, is an attachment to Form I-864, Affidavit of Support Under Section 213A of the Immigration and Nationality Act. It is an optional form, completed and signed by two individuals: a sponsor who is completing Form I-864, and a household member who is promising to make his or her income and/or assets available to the sponsor to help support the sponsored immigrant(s). The combined signing of this form constitutes an agreement that the household member is responsible along with the sponsor for the support of the individual(s) named in this form.</p> <p>A separate Form I-864A must be used for each household member whose income and/or assets are being used by a sponsor to qualify. This form must be submitted simultaneously with Form I-</p>	

	<p>864.</p> <p>Form I-864A may only be used when a sponsor's income and assets do not meet the income requirements of Form I-864 and the qualifying household member chooses to combine his or her resources with the income and/or assets of a sponsor to meet the requirements. The obligations of the household member under this contract terminate when the obligations of the sponsor under the Affidavit of Support terminate.</p> <p>For additional information, see section 213A of the Immigration and Nationality Act, and part 213a of title 8 of the Code of Federal Regulations. For more information about Form I-864, or to obtain related forms please contact:</p> <ul style="list-style-type: none">• The USCIS website (www.uscis.gov);• The National Customer Service Center (NCSC) telephone line at 1-800-375-5283 For TDD (hearing impaired) call: 1-800-767-1833; or• Your local USCIS office by using InfoPass.	
<p>Page 1, What Is a Sponsor?</p>	<p>A "sponsor" is a person, either the petitioning relative, a relative with a significant ownership interest in the petitioning entity, a substitute in the case of a deceased petitioner, or another person accepting joint and several liability with the sponsor, who completes and files Form I-864, Affidavit of Support under Section 213A of the Act on behalf of an intending immigrant. A sponsor must be an individual and may not be an enterprise, a business, or any other type of organization.</p>	

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Page 1, Who May Be Considered a "Household Member" for Purposes of This Form?	<p>For purposes of this form, a "household member" is:</p> <ul style="list-style-type: none">• A relative who has the same principal residence as the sponsor and is related to the sponsor as a spouse, adult child, parent, or sibling;• A relative or other person whom the sponsor has lawfully claimed as a dependent on the sponsor's most recent Federal income tax return even if that person does not live at the same residence as the sponsor;• The intending immigrant, in certain circumstances. (See "How Can the Intending Immigrant Be Considered a Household Member"?)	
Page 1, How Can the Intending Immigrant Be Considered a Household Member?	<p>Listed below are two ways that the intending immigrant may be considered to be a household member for the purposes of pooling income with the sponsor to meet the Affidavit of Support requirements:</p> <ul style="list-style-type: none">• The intending immigrant has the	

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	<p>same principal residence as the sponsor and the intending immigrant can establish that his or her income will continue from the same source, even after acquisition of permanent residence.</p> <ul style="list-style-type: none">• The intending immigrant is the sponsor's spouse and the intending immigrant can show that his or her income will continue from the same source after acquisition of permanent residence.	
Page 1, Why Does a Household Member Complete This Form?	<p>A household member completes this form if the household member's income and/or assets will be used to demonstrate the sponsor's ability to meet the income requirements and to maintain the sponsored immigrant at an annual income at the level specified in section 213A(f)(1)(E) or 213A(f)(3) of the Act.</p>	
Page 2, If the Intending Immigrant Is a Household Member, Must He or She Complete This Form?	<p>If you are the intending immigrant and the sponsor is including your income on Form I-864 to meet the eligibility requirements, you need to complete this form only if you have accompanying dependents. If you are the intending immigrant and the sponsor is including only your assets on Form I-864, you do not need to complete this form, even if you have accompanying dependents.</p>	
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<p>Page 2, Step-by-Step Instructions.</p> <p>AND</p> <p>Page 3, Part 2. Sponsor's Promise</p> <p>AND</p> <p>Page 3, Part 3. Household Member's</p>	<p>[Page 2]</p> <p>This form is divided into three parts. The sponsor completes Part 2 of this form and gives it to the household member. The household member completes Parts 1 and 3 of this form. The information below gives detailed information on completing this form. The Privacy Act Notice and information on penalties for misrepresentation or fraud are included on the instructions to Form I-864.</p> <p>Part 1. Information on the Household Member.</p>	

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Promise

8. Household Member's Relationship to the Sponsor.

If you, the household member, are also the sponsored immigrant, check box (a) or (b) as applicable.

If you check box (a) (married to the sponsor), you do not have to reside with the sponsor, but you must provide proof that your income will continue from the

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same source after immigration. If you check box (b) (not married to the sponsor), you must provide proof that you currently have the same principal residence as the sponsor and that your income will continue from the same source after immigration.

If you are the household member completing this form, but are not the intending immigrant, check box (c), and check the box below that describes your relationship to the sponsor. If you check "dependent," you must be listed as a dependent on the sponsor's most recent Federal tax return. You do not have to provide proof that you have the same principal residence as the sponsor. If you check any other relative except for spouse, you must provide proof of the relationship and that you have the same principal residence as the sponsor.

9. Household Member's Employment.

Check all boxes that apply to you. A sponsor may not rely on a household member's income from illegal activities, such as proceeds from illegal gambling or drug sales, to meet the income requirements, even if the household member paid taxes on that income.

10. Current Individual Annual Income.

Enter your current individual earned or retirement annual income that you are using to meet the requirements of this form and indicate the total on this line.

You may include evidence supporting

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your claim about your expected income for the current year if you believe that submitting this evidence will help you establish ability to maintain sufficient income. **You are not required to submit this evidence, however, unless specifically instructed to do so by a Government official.** For example, you may include a recent letter from your employer, showing your employer's address and telephone number, and indicating your annual salary. You may also provide pay stub(s) showing your income for the previous six months. If your claimed income includes alimony, child support, dividend or interest income, or income from any other source, you may also include evidence of ability to maintain that income.

11. Household Member's Federal Income Tax Information

You must provide either an IRS transcript or a photocopy from your own records of your Federal individual income tax return for the most recent tax year. If you believe additional returns may help you to establish your ability to maintain sufficient income, you may submit transcripts or photocopies of your Federal individual income tax returns for the three most recent years.

You are not required to have the IRS certify the transcript or photocopy unless specifically instructed to do so by a Government official; a plain transcript or photocopy is acceptable. Telefile tax records are not acceptable proof of filing.

Do not submit copies of your State income tax returns. **Do not** submit any tax returns that you filed with any foreign government unless you are claiming that you were not required to file a Federal tax return with the United

States government and you wish to rely on the foreign return solely to establish the amount of your income that was not subject to tax in the United States.

If you provide a photocopy of your tax return(s), you must include a copy of each and every Form W-2 and Form 1099 that relates to your return(s). Do not include copies of these Forms if you provide an IRS transcript of your return(s) rather than a photocopy.

If you checked box 9(b) (self-employed), you should have completed one of the following forms with your Federal income tax return: Schedule C (Profit or Loss from Business), Schedule D (Capital Gains), Schedule E (Supplemental Income or Loss) or Schedule F (Profit or Loss from Farming). You must include each and every Form 1040 Schedule, if any, that you filed with your Federal tax return.

If you were required to file a Federal income tax return during any of the previous three tax years but did not do so, you must file any and all late returns with IRS and attach an IRS-generated tax return transcript documenting your late filing before submitting the Form I-864A.

If you were not required to file a Federal income tax return under U.S. tax law because your income was too low, attach a written explanation

If you were not required to file a Federal income tax return under U.S. tax law for any other reason, attach a written explanation including evidence of the exemption and how you qualified for it. Residence outside of the United States does not exempt U.S. citizens or lawful permanent residents from filing a U.S.

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Federal income tax return. See "Filing Requirements" in the IRS Form 1040 Filing Instructions to determine whether you were required to file.

For purposes of this form, the line for gross (total) income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040 EZ, the line for adjusted gross income will be considered.

Obtaining Tax Transcripts. You may use Internal Revenue Service (IRS) Form 4506-T to request tax transcripts from the IRS. Complete IRS Form 4506-T with the ending date for each of your three most recent tax years listed on line 9. Follow all instructions for completing and filing Form 4506-T with the IRS.

12. Assets.

Complete this item only if the sponsor is using the value of your assets to help meet the requirements of the affidavit of support. If you are using only your income to help the sponsor meet the requirements, do not complete this item.

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If you are the intending immigrant and have no accompanying dependents, then do not list your assets on this form. Instead, your assets must be listed on item 24 of Form I-864.

Only assets that can be converted into cash within 1 year and without considerable hardship or financial loss to the owner may be included. The owner of the asset must include a description of the asset, proof of ownership, and the basis for the owner's claim of its net cash value.

You may include the net value of your home as an asset. The net value of the home is the appraised value of the home, minus the sum of any and all loans secured by a mortgage, trust deed, or other lien on the home.

If you wish to include the net value of your home, this, you must include documentation demonstrating that you own it, a recent appraisal by a licensed appraiser, and evidence of the amount of any and all loans secured by a mortgage, trust deed, or other lien on the home. You may not include the net value an automobile unless you show that you have more than one automobile, and at least one automobile is not included as an asset.

[Page 3]

Part 2. Sponsor's Promise

If the sponsor you are promising to make your income available to is sponsoring the the principal intending immigrant (the sponsor should have "Yes" as his or her answer to item number 8 of his or her Form I-864), you should list the intending immigrant on

line "a" of Item 13 and then list on lines "b" through "f" any spouse and any and all children that appear on lines 9a through 9e of the sponsor's Form I-864.

If the sponsor you are promising to make your income available to is not sponsoring the intending immigrant (this should be true only in cases with two joint sponsors, with "No" checked on item 8 of the sponsor's Form I-864), then do not list the intending immigrant on line "a" of Item 13 on this form. Instead, list on lines "a" through "f" any spouse and any and children that appear on lines 9a through 9e of the sponsor's Form I-864.

Part 3. Household Member's Promise

Read the household member's promise carefully, print your name, and then sign and date the form. **If you do not print your name on line 15 and sign and date the form on line 16, the intending immigrant cannot be issued a visa or be granted adjustment of status based upon the income and/ or assets listed on this form.**

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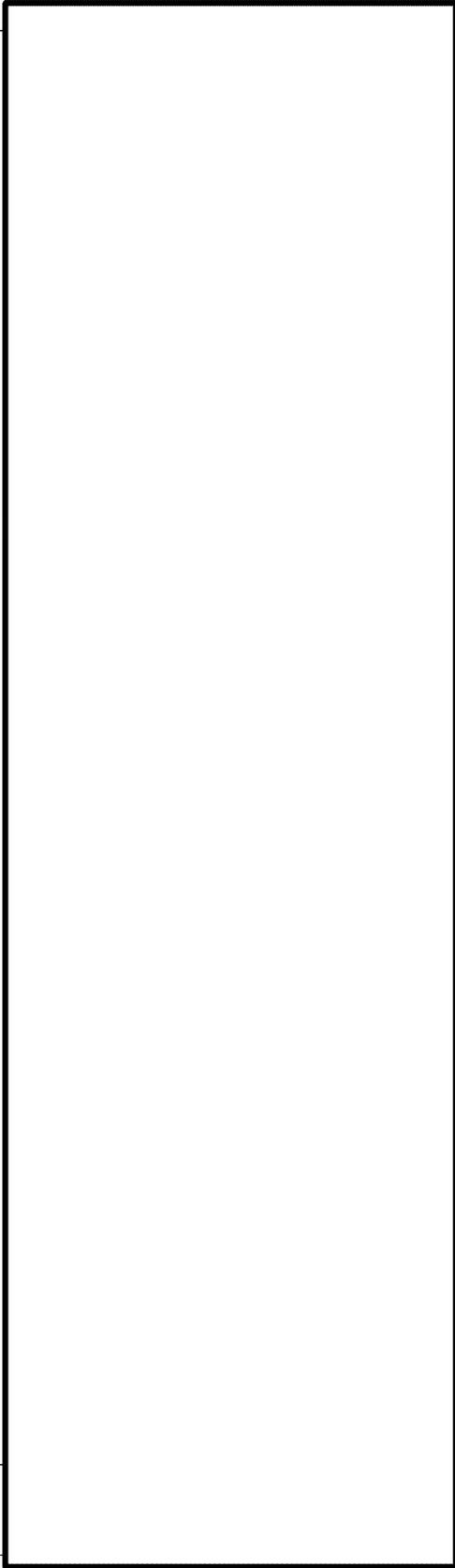
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<p>Page 4, USCIS Forms and Information</p> <p>AND</p> <p>Page 4, Use InfoPass for Appointments</p>	<p>To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by telephoning our USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.</p> <p>As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, InfoPass. To access the system, visit our website at www.uscis.gov. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.</p>	
<p>Page 3, Other Information</p>		

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Penalties	<p>The Government may pursue verification of any information provided on or in support of this form, including employment, income, or assets with the employer, financial or other institutions, the Internal Revenue Service, or the Social Security Administration. If you include in this form any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.</p>
Page 4, Privacy Act	



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Notice	<p>Authority for the collection of the information requested on this form is contained in 8 U.S.C. 1182a(4), 1183a, 1184(a), and 1258. The information will be used principally by USCIS, a Consular Officer, or an immigration judge to whom it is furnished, to accompany a sponsor's Form I-864, Affidavit of Support, which supports an alien's application for benefits under the Immigration and Nationality Act, specifically the assertion that he or she has adequate means of financial support and will not become a public charge.</p> <p>Submission of the information is voluntary. Failure to provide the information may result in denial of the application for an immigrant visa or adjustment of status.</p> <p>The information may as a matter of routine use be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration. It may also be disclosed as a matter of routine use to other Federal, State, local, and foreign law enforcement and regulatory agencies to enable these entities to carry out their law enforcement responsibilities.</p>
Page 4, Reporting	

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Burden	<p>A person is not required to respond to a collection of information unless it displays a currently valid OMB control number.</p> <p>We try to create forms and instructions that are accurate, can be easily understood, and which impose the least burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.</p> <p>The estimated average time to complete and file this form is as follows: (1) 20 minutes to learn about the law and form; (2) 55 minutes to complete the form; and (3) 30 minutes to assemble and file the form; for a total estimated average of 1 hour and 45 minutes per form. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, D.C. 20529-2140. OMB No. 1615-0075. Do not mail your completed Form I-864A to this address.</p>
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Form I-864EZ, Instruction TOC
Affidavit of Support Under Section 213A of the INA
OMB Number: 1615-0075
Date: 3/30/2015

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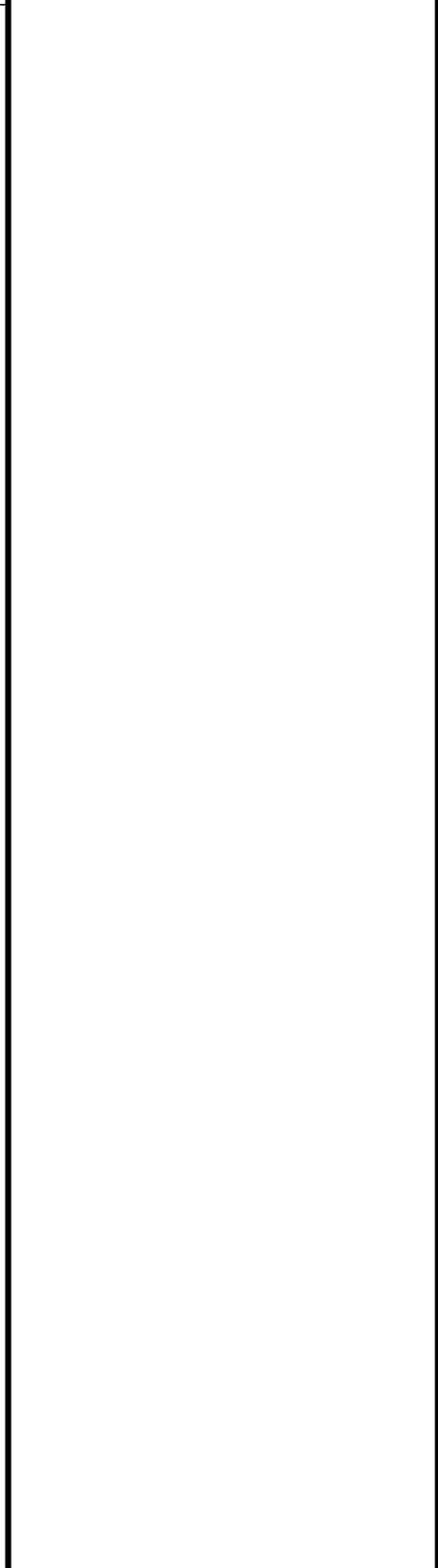
Reason for Revision: Updates to format and standard language, and edits provided by subject matter experts.

Location	Current Text	Proposed Text
Title of Form	Affidavit of Support Under Section 213A of the Act	
Page 1, How Should I Complete This Form?	<ul style="list-style-type: none"> • Print clearly or type your answers using CAPITAL letters. • Use black ink. • If you need extra space to answer any item: <ul style="list-style-type: none"> -- Attach a separate sheet of paper (or more sheets if necessary); -- Write your name, Social Security number and the words "Form I-864EZ" on the top right corner of the sheet; and -- Write the number and subject of each question for which you are providing additional information. 	
Page 1, What Is The Purpose of This Form?	<p>Form I-864EZ is a shorter version of Form I-864 designed for cases that meet certain criteria. Form I-864 or Form I-864EZ is legally required for many family-based immigrants to show that the intending immigrant has adequate means of financial support and is unlikely to become a public charge. For more information about Form I-864EZ, or to obtain related forms please contact:</p>	

	<ul style="list-style-type: none">• The USCIS website (www.uscis.gov);• The National Customer Service Center (NCSC) telephone line at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833; or• Your local USCIS office by using Infopass.	
Page 1, Who May Use Form I-854EZ?	<p>You may use Form I-864EZ IF ALL the following conditions apply:</p> <ol style="list-style-type: none">1. You are the person who filed or is filing Form I-130, Petition for Alien Relative, for a relative being sponsored;2. The relative you are sponsoring is the only person listed on Form I-130; and3. The income you are using to qualify is based entirely on your salary or pension and is shown on one or more Forms W-2 provided by your employers or former employers.	
Page 1, Who May Not Use Form I-864EZ?	<p>You must complete Form I-864 (and not Form I-864EZ) if any of the following conditions apply:</p> <ol style="list-style-type: none">1. The relative you are sponsoring is not the only person immigrating based upon the underlying visa petition;2. You filed or are filing a Form I-	

	<p>140, Immigrant Petition for Alien Worker, for the immigrant you are sponsoring;</p> <p>3. You are a joint sponsor;</p> <p>4. You are a "substitute sponsor" filing because the original I-130 petitioner is deceased.</p>	
<p>Page 1, How Is Form I-864EZ Used?</p>	<p>This form is a contract between a sponsor and the U.S. Government. The person completing and signing this form is the sponsor. By signing Form I-864EZ, you are agreeing to use your income and resources to support the intending immigrant named in this affidavit, if it becomes necessary. You must show on this affidavit that you have enough income to ensure that the sponsored immigrant will not have to rely on means-tested public benefits for support in the United States.</p> <p>In most cases, the submission of this affidavit will make the sponsored immigrant ineligible for Federal, State, or local means-tested public benefits, because an agency that provides means-tested public benefits will consider your income and resources available to the sponsored immigrant in determining eligibility for the program.</p> <p>If the immigrant sponsored in this affidavit does receive a Federal, State, or local means-tested public benefit, the agency providing the benefit may require you to repay the cost of those benefits. That agency can sue you if you do not repay the cost of the benefits provided.</p>	
<p>Page 1, Who Is Required to File a Form I-864W</p>		

<p>Instead of a Form I-864 or I-864EZ?</p>	<p>The following types of intending immigrants must properly complete and submit Form I-864W, Intending Immigrant's Affidavit of Support Exemption, instead of a Form I-864 or Form I-864EZ:</p> <ul style="list-style-type: none">• An intending immigrant who has or can be credited with 40 quarters of work. The Social Security Administration (SSA) can provide information on how to count and provide evidence of quarters of work.• An intending immigrant who will, upon admission, acquire U.S. citizenship under section 320 of the Immigration and Nationality Act, as amended by the Child Citizenship Act of 2000 (CCA); and• A self-petitioning widow(er) or qualifying battered spouse or child.
<p>Page 2, Who Completes This Form?</p> <p>AND</p> <p>Page 2, 3. What Are the Income Requirements?</p> <p>AND</p> <p>Page 2, 4. How Do I Count Household Size?</p> <p>AND</p> <p>Page 2, 5. How Long Does My Obligation as a Sponsor Continue?</p>	<p>[Page 2]</p> <p>Who Completes This Form?</p> <p>Only the U.S. citizen or lawful permanent resident who filed a Form I-130 relative visa petition for a family member, may complete this form. A sponsor is required to be 18 years old and domiciled in the United States, its territories or possessions (see Step-by-Step Instructions for more information on domicile).</p> <p>3. What Are the Income Requirements?</p> <p>To qualify as a sponsor, you must demonstrate that you have an income of at least 125 percent of the current Federal Poverty Guidelines for your household size. The Federal poverty</p>

<p>AND</p> <p>Page 2,</p> <p>6. Do I Have to Report My Change of Address If I Move?</p>	<p>line, for purposes of this affidavit, is updated annually and can be found on Form I-864P, Poverty Guidelines, at www.uscis.gov/I-864P.</p> <p>If you are on active duty in the U.S. Armed Forces, and you are sponsoring your spouse or minor child, you only need to have an income of 100 percent of the Federal poverty line for your household size</p> <p>4. How Do I Count Household Size?</p> <p>Your household size includes yourself and the following individuals, no matter where they live: any spouse, any dependent children under the age of 21, any other dependents listed on your most recent Federal income tax return, the person being sponsored in this affidavit of support; and any immigrants previously sponsored with a Form I-864 or Form I-864EZ affidavit of support whom you are still obligated to support.</p> <p>5. How Long Does My Obligation as a Sponsor Continue?</p> <p>Your obligation to support the immigrant you are sponsoring in this Form I-864EZ will continue until the sponsored immigrant becomes a U.S. citizen, or can receive credit for, 40 qualifying quarters of work in the United States. Although 40 qualifying quarters (credits) of work generally equates to 10 years of work, in certain cases, the work of a spouse or parent</p>	
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adds qualifying quarters toward eligibility. The Social Security Administration can provide information on how to count qualifying quarters (credits) of work. The obligation also ends if you or the sponsored immigrant dies or if the sponsored immigrant ceases to be a lawful permanent resident and departs the United States. Divorce does not end the sponsorship obligation.

6. Do I Have to Report My Change of Address If I Move?

Federal law requires that a sponsor report every change of address to the USCIS within 30 days of the change. To do this, send a completed Form I-865, Sponsor's Change of Address, to the Service Center having jurisdiction over your new address.

Do not complete Form I-865 at the same time that you complete Form I-864EZ. You should complete and submit Form I-865 to USCIS only when the address you indicated on the original Form I-864EZ has changed. A sponsor who fails to submit a Form I-865 within 30 days of a change of address may be fined.

Please see Form I-865 for further directions on filing the Sponsor's Change of Address. This requirement does not relieve a sponsor who is a lawful permanent resident from submitting Form AR-11 within 10 days of a change of address.

When Do I Complete Form I-864EZ and Where Do I Send It?

If the intending immigrant will apply for an immigrant visa at a U.S. Embassy or Consulate overseas:

Complete Form I-864EZ when it is mailed to you from the National Visa Center (VC). Different instructions apply to some cases so follow the instructions provided by the National Visa Center for your particular case. The instructions on when and where to submit Form I-864EZ are included in the information packet that is mailed to you with Form I-864EZ. The form must be submitted to the government within 1 year of your signature date on the form.

If the intending immigrant will adjust in the United States:

Complete Form I-864EZ when the intending immigrant is ready to submit his or her Application to Register Permanent Residence or Adjust Status, Form I-485. Then, give the completed Form I-864EZ and all supporting documentation to the intending immigrant to submit with his or her application for adjustment of status. This form and all accompanying documents must be submitted within one year of the time you complete and sign this form.

For privacy, you may enclose these documents in a sealed envelope marked "Form I-864EZ: To be opened only by a U.S. government official." You may be requested to submit updated information if there is a significant delay in processing.

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<p>Page 3, Step By Step Instructions</p> <p>AND</p> <p>Page 3, Part 1. Qualifying to Use Form I-864EZ.</p> <p>AND</p> <p>Page 3,</p>	<p>[Page 3]</p> <p>Form I-864EZ is divided into seven parts. The information below will help you fill out the form.</p> <p>Part 1. Qualifying to Use Form I- 864EZ.</p> <p>You may use Form I-864EZ if the</p>	

<p>Part 2. Information on Immigrants You Are Sponsoring</p> <p>AND</p> <p>Page 3, Part 3. Information on the Sponsor</p> <p>AND</p> <p>Page 4, Part 4. Sponsor's Household Size</p> <p>AND</p> <p>Page 4, Part 5. Sponsor's Income and Employment</p>	<p>statements in 1(a), 1(b) and 1(c) are all true. If you cannot check "Yes" to all three boxes, you do NOT qualify to use Form I-864 EZ and therefore must use Form I-864. Submission of the incorrect form will delay processing.</p> <p>a. Check "Yes" if you are the petitioner who is filing or who has already filed Form I-130, Petition for Alien Relative; Form I-129F, Petition for Alien Fiance(e); Form I-600, Petition to Classify Orphan as an Immediate Relative; or Form I-600A, Application for Advance Processing of Orphan Petition.</p> <p>b. Check "Yes" if you are using only your own earned or retirement income that can be documented with an IRS Form W-2. If you are self-employed, you must check "No" to the question and you cannot use Form I-864EZ.</p> <p>c. The term "immigrating with" in this statement means "on the same visa petition". Thus, if the person you are sponsoring is an immediate relative (spouse, child, or certain parents of U.S. citizens), you can automatically check "Yes" for this box because every immediate relative has his or her own visa petition. If the person you are sponsoring is a family-based preference immigrant, and the family members listed on the same visa petition are immigrating with or within 6 months of the sponsored immigrant, you must check "No" for this box and you cannot use Form I-864EZ.</p> <p>Part 2. Information on Immigrants You Are Sponsoring.</p>	
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6. Alien Registration Number. An “A-number” is an Alien Registration Number assigned by the former Immigration and Naturalization Service (INS) or U.S. Citizenship and Immigration Services (USCIS). If the intending immigrants you are sponsoring have not previously been in the United States or have only been in the United States as tourists, they probably do not have A-numbers. Persons with A-numbers can locate the number on their INS or USCIS-issued documentation.

Part 3. Information on the Sponsor.

10. Country of Domicile. This question is asking you to indicate the country where you maintain your principal residence and where you plan to reside for the foreseeable future. If your mailing address and/or place of residence is not in the United States, but your country of domicile is the United States, you must attach a written explanation and documentary evidence indicating how you meet the domicile requirement. If you are not currently living in the United States, you may meet the domicile requirement if you can submit evidence to establish that any of the following conditions apply:

A. You are employed by a certain organization. Some individuals employed overseas are automatically considered to be domiciled in the United States because of the nature of their employment. The qualifying types of employment include employment by:

- The U.S. government;

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- An American institution of research recognized by the Secretary of Homeland Security (The list of qualifying institutions may be found at 8 CFR 316.20);
- A U.S. 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 or corporation;
- A public international organization in which the United States participates by treaty or statute;
- A religious denomination having a bona fide organization in the United States, if the employment abroad involves the person's performance of priestly or ministerial functions on behalf of the denomination; or
- A religious denomination or interdenominational missionary organization having a bona fide organization in the United States, if the person is engaged solely as a missionary.

B. You are living abroad temporarily. If you are not currently living in the United States, you must show that your trip abroad is temporary and that you have maintained your domicile in the United States. You can show this by providing proof of your voting record in the United States, proof of paying U.S. State or local taxes, proof of having property in the United States, proof of maintaining bank or investment accounts in the United States, or proof of having a permanent mailing address in the United States. Other proof could be evidence that you are a student studying abroad or that a foreign government has authorized a

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	temporary stay.	
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15. Military Service.

Check "yes" if you are the petitioning sponsor and on active duty in the U.S. Army, Navy, Air Force, Marines, or Coast Guard, other than for training. If you provide evidence that you are currently on active duty in the military and you are petitioning for your spouse or minor child, you will need to demonstrate income at only 100 percent of the poverty level for your household size, instead of at 125 percent of the poverty level. (See Form I-864P for information on the poverty levels.) Check "no" if you are not on active duty in the U.S. military.

[Page 4]

Part 4. Sponsor's Household Size.

This section asks you to add together the number of persons for whom you are financially responsible. Some of these persons may not be residing with you. Make sure you do not count any individual more than once, since in some cases the same person could fit into two categories.

16(a) - This line is already completed for you.

16(b) - If you are married, and your spouse was not included in line (a), enter "1" here.

16(c) - Enter the number of unmarried children you have who are under age 21, even if you do not have legal custody of these children. You may exclude any unmarried children under 21, if these children have reached majority under the law of their place of

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domicile and you do not claim them as dependents on your income tax returns.

16(d) - Enter the number of lawful permanent residents whom you are currently obligated to support based on your previous submission of Form I-864 or Form I-864EZ as a petitioning, substitute, or joint sponsor. Include only those persons who have already immigrated to the United States. Do not include anyone for whom your obligation to support has ended through the sponsored immigrant's acquisition of U.S. citizenship, death, abandonment of lawful permanent residence in the United States, acquisition of 40 quarters of earned or credited work in the United States, or obtaining a new grant of adjustment of status while in removal proceedings based on a new affidavit of support, if one is required.

16(e) Enter the number of any other dependents. You must include each and every person whom you have claimed as a dependent on your most recent Federal income tax return, even if that person is not related to you. Even if you are not *legally obligated* to support that person, you must include the person if in fact you did support that person and claimed the person as a dependent.

Part 5. Sponsor's Income and Employment.

18. Current Individual Annual Income.

Enter your current individual earned or retirement annual income that you are using to meet the requirements of this form and indicate the total on this line.

You may include evidence supporting your claim about your expected income for the current year if you believe that submitting this evidence will help you establish ability to maintain sufficient income. **You are not required to submit this evidence, however, unless specifically instructed to do so by a Government official.** For example, you may include a recent letter from your employer, showing your employer's address and telephone number, and indicating your annual salary. You may also provide pay stub(s) showing your income for the previous six months. If your claimed income includes alimony, child support, dividend or interest income, or income from any other source, you may also include evidence of that income.

19. Federal Income Tax Information.

You must provide either an IRS transcript or a photocopy from your own records of your Federal individual income tax return for the most recent tax year. If you believe additional returns may help you to establish your ability to maintain sufficient income, you may submit transcripts or photocopies of your Federal individual income tax returns for the 3 most

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recent years.

You are not required to have the IRS certify the transcript or photocopy unless specifically instructed to do so by a Government official; a plain transcript or photocopy is acceptable. Telefile tax records are not acceptable proof of filing.

Do not submit copies of your State income tax returns. **Do not** submit any tax returns that you filed with any foreign government unless you claim that you were not required to file a Federal tax return with the United States government and you wish to rely on the foreign return solely to establish the amount of your income that is not subject to tax in the United States.

If you provide a photocopy of your tax return(s), you must include a copy of each and every Form W-2 and Form 1099 that relates to your return(s). Do not include copies of these Forms if you provide an IRS transcript of your return(s) rather than a photocopy.

If you were required to file a Federal income tax return during any of the previous 3 tax years but did not do so, you must file any and all late returns with the IRS and attach an IRS-generated tax return transcript documenting your late filing before submitting the I-864EZ Affidavit of Support. If you were not required to file a Federal income tax return under U.S. tax law for any other reason, attach a written explanation including evidence of the exemption and how you are subject to it. Residence outside of the United States does not exempt U.S. citizens or lawful permanent residents from filing a U.S. Federal income tax return. See "Filing Requirements" in the IRS Form 1040

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Filing Instructions to determine whether you were required to file.

For purposes of this affidavit, the line for gross (total) income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040EZ, the line for adjusted gross income will be considered.

Obtaining Tax Transcripts. You may use Internal Revenue Service (IRS) Form 4506-T to request tax transcripts from the IRS. Complete IRS Form 4506-T with the ending date for each of your three most recent tax years listed on line 9. Follow all instructions for completing and filing Form 4506-T with the IRS

Part 6. Sponsor's Contract.

Read the contract carefully, print your name, and then sign and date the form.

If you do not print your name and sign and date the form in lines 20 and 21, the immigrant you are sponsoring cannot be issued a visa or be granted adjustment of status.

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<p>Page 5, Other Information Penalties</p>	<p>The Government may pursue verification of any information provided on or in support of this form, including employment, income, financial or other institutions, the Internal Revenue Service, or the Social Security Administration. If you include in this affidavit of support any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.</p> <p>If you fail to give notice of your change of address, as required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3, you may be liable for the civil penalty established by 8 U.S.C. 1183a(d) (2). The amount of the civil penalty will depend on whether you failed to give this notice because you were aware that the sponsored immigrant received Federal, State, or local means-tested public benefits.</p> <p>If the failure to report your change of address occurs with knowledge that</p>	

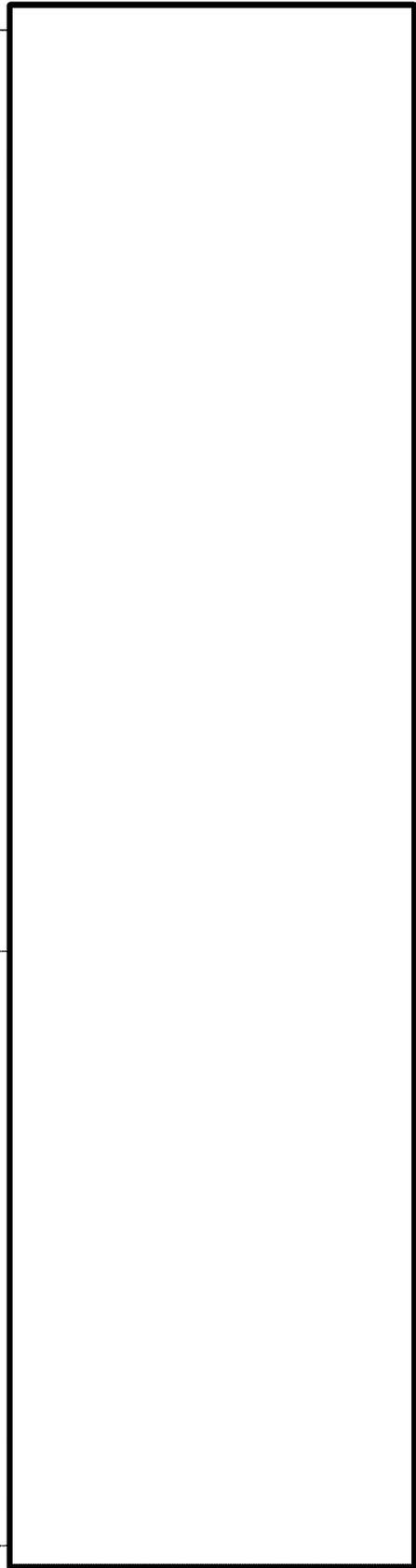
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	<p>the sponsored immigrant received means- tested public benefits (other than benefits described in section 401(b), 403(c),(2), or 411(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which are summarized in the contract in Part(6) such failure may result in a fine of not less than \$2,000 or more than \$5,000. Otherwise, the failure to report your change of address may result in a fine not less than \$250 or more than \$2,000.</p>
<p>Page 6, USCIS Forms and Information</p> <p>AND</p> <p>Page 7, Use InfoPass for Appointments</p>	<p>To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by telephoning our USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.</p> <p>[Page 7]</p> <p>As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, InfoPass. To access the system, visit our website at www.uscis.gov. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.</p>

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<p>Page 5, Privacy Act Notice</p>	<p>Authority for the collection of the information requested on this form is contained in 8 U.S.C. 1182a(4), 1183a, 1184(a), and 1258.</p> <p>The information will be used principally by an immigration judge, USCIS, or a Consular Officer to whom it is furnished, to determine an alien's eligibility for benefits under the Immigration and Nationality Act, specifically whether he or she has adequate means of financial support and will not become a public charge.</p> <p>Submission of the information is voluntary. Failure to provide the information will result in denial of the application for an immigrant visa or adjustment of status.</p> <p>The information may also as a matter of routine use be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration consistent with the consent signed as part of the contract in Part 6 of the Form I-864EZ. They may also be disclosed as a matter of routine use to other Federal, State, local, and foreign law enforcement and regulatory agencies to enable these entities to carry out their law enforcement responsibilities.</p>
<p>Page 7, Reporting Burden</p>	<p>A person is not required to respond to</p>

	<p>a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.</p> <p>The estimated average time to complete and file this form is as follows: (1) 30 minutes to learn about the law and form; (2) 40 minutes to complete the form; and (3) 80 minutes to assemble and file the form; for a total estimated average of 2 hours and 30 minutes per form.</p> <p>If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0075. Do not mail your completed Form I-864EZ to this address.</p>
<p>Page 7, Check List</p>	<p>The following items must be submitted with Form I-864EZ:</p> <p>For ALL sponsors:</p> <p>A copy of your individual Federal income tax return, including W-2s for the most recent tax year, or a statement and/or evidence describing why you were not required to file. Also include a copy of each and every Form 1099, Schedule, and any other evidence of reported income. You may submit this information for the most recent three tax years, pay stub(s) from the most recent six months, and/or a</p>



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letter from your employer if you believe any of these items will help you qualify.

For SOME sponsors:

If you are on active duty in the U.S. Armed Forces and are sponsoring your spouse or child using the 100 percent of poverty level, **proof of your active military status.**

Form I-864EZ, Form TOC

Affidavit of Support Under Section 213A of the Act

OMB Number: 1615-0075

Date: 3/30/2015

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Reason for Revision: Updates to format and standard language, and edits provided by subject matter experts

Location	Current Text	Proposed Text
Format	Full page format	
Page 1, Part 1. Qualifying to use Form I-864EZ	<p>START HERE. Type or print in black ink.</p> <p>1.a. I am the petitioner of the family member sponsored on this form. <input type="checkbox"/> Yes <input type="checkbox"/> No (Use Form I-864)</p> <p>1.b. I am using my own earned or retirement income which is documented using IRS Form W-2. <input type="checkbox"/> Yes <input type="checkbox"/> No (Use Form I-864)</p> <p>1.c. The sponsored immigrant is the only person immigrating based on the underlying visa petition. <input type="checkbox"/> Yes <input type="checkbox"/> No (Use Form I-864)</p>	
Page 1, Part 2. Information on the immigrant you are sponsoring	<ol style="list-style-type: none"> 1. Name of Immigrant Last Name First Name Middle Name 2. Mailing Address Street Number and Name (include apartment number) City State or Province Zip/Postal Code 	

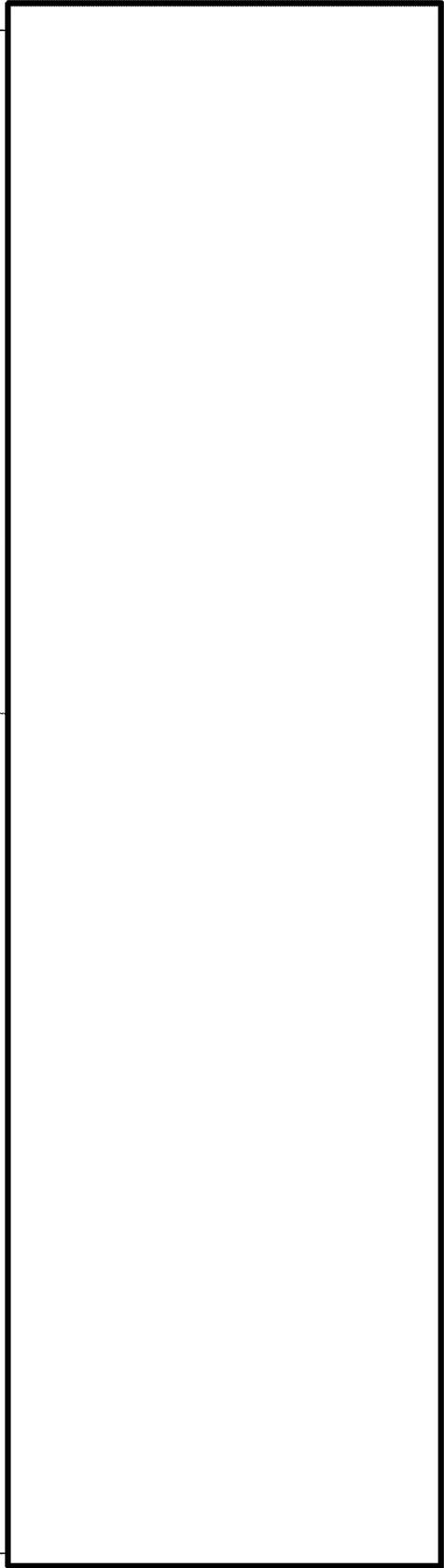
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	<p>Country</p> <p>3. Telephone Number (<i>Include area code or country and city codes</i>)</p> <p>4. Date of Birth (<i>mm/dd/yyyy</i>)</p> <p>5. Alien Registration Number (<i>if any</i>) A-</p> <p>6. Social Security Number (if any)</p>	
<p>Page 2, Part 3. Information on the Sponsor (You)</p>	<p>7. Name of Sponsor Last Name First Name Middle Name</p> <p>8. Mailing Address</p> <p>Street Number and Name <i>(include apartment number)</i> City State or Province Zip/Postal Code</p> <p>Country</p> <p>9. Place of Residence (<i>if different from mailing address</i>)</p> <p>Street Number and Name <i>(include apartment number)</i> City</p>	

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	<p>State or Province Zip/Postal Code</p> <p>Country</p> <p>10. Country of Domicile Country</p> <p>11. Date of Birth (<i>mm/dd/yyyy</i>)</p> <p>12. Place of Birth City State or Province Country</p> <p>13. U.S. Social Security Number (<i>required</i>)</p> <p>14. Citizenship/Residency</p> <p><input type="checkbox"/> I am a U.S. citizen</p> <p><input type="checkbox"/> I am a Lawful Permanent Resident. My alien registration number is A –</p> <p>15. Military Service I am currently on active duty in the U.S. armed services. Yes/No</p>	
<p>Page 2, Sponsor's household size.</p>	<p>16. Your Household Size- <u>Do not count anyone twice.</u></p> <p>a. Yourself and the person you are sponsoring on this form.</p> <p>b. Your spouse.</p>	

	<p>c. Your dependent children under age 21.</p> <p>d. If you have sponsored any other persons on an I-864 who are now lawful permanent residents in the United States, enter the number here.</p> <p>e. If you have any other dependents listed on you most recent Federal Income tax return, enter the number here.</p> <p>f. Add together lines a, b, c, d and e and enter the number here.</p> <p>This is your HOUSEHOLD SIZE for the purposes of this form.</p>
<p>Page 3, Part 5. Sponsor's income and employment.</p>	<p>17. I am currently:</p> <p>a. Employed as a/an Name of Employer (if applicable)</p> <p>Name of Second Employer (if applicable)</p> <p>b. Retired since (mm/dd/yyyy) Name of Former Employer</p> <p>18. My individual annual income is currently:</p>



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19. Federal income tax information:

I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for only the most recent tax year.

(Optional) I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.

My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal tax returns for the most recent three years was:

Tax Year	Total Income
<u> </u> (most recent)	\$ <u> </u>
<u> </u> (2 nd most recent)	\$ <u> </u>
<u> </u> (3 rd most recent)	\$ <u> </u>

**Page 4,
Part 6. Sponsor's
Contract**

Please note that, by signing this Form I-864EZ, you agree to assume certain specific obligations under the Immigration and Nationality Act and other Federal laws. The following paragraphs describe those obligations. Please read the following information carefully before you sign the Form I-864EZ. If you do not understand the obligations, you may wish to consult an attorney or accredited representative.

What Is the Legal Effect of My Signing a Form I-864EZ?

If you sign a Form I-864EZ on behalf of any person (called the "intending immigrant") who is applying for an immigrant visa or for adjustment of status to a permanent resident, and that intending immigrant submits the Form I-864EZ to the U.S. Government with his or her application for an immigrant visa or adjustment of status, under section 213A of the Immigration and Nationality Act these actions create a contract between you and the U. S. Government. The intending immigrant's becoming a permanent resident is the "consideration" for the contract.

Under this contract, you agree that, in deciding whether the intending immigrant can establish that he or she is not inadmissible to the United States as an alien likely to become a public charge, the U.S. Government can consider your income and assets to be available for the support of the intending immigrant.

What If I Choose Not To Sign a Form I-864EZ?

You cannot be made to sign a Form I-864EZ if you do not want to do so. But if you do not sign the Form I-864EZ, the intending immigrant may not be able to become a permanent resident in the United States.

What Does Signing the Form I-864EZ Require Me to Do?

If an intending immigrant becomes a permanent resident in the United States based on a Form I-864EZ that you have signed, then, until your

obligations under the Form I-864EZ terminate, you must:

- Provide the intending immigrant any support necessary to maintain him or her at an income that is at least 125 percent of the Federal Poverty Guidelines for his or her household size (100 percent if you are the petitioning sponsor and are on active duty in the U.S. Armed Forces and the person is your husband, wife, unmarried child under 21 years old.)
- Notify USCIS of any change in your address, within 30 days of the change, by filing Form I-865.

What Other Consequences Are There?

If an intending immigrant becomes a permanent resident in the United States based on a Form I-864EZ that you have signed, then until your obligations under the Form I-864EZ terminate, your income and assets may be considered ("deemed") to be available to that person, in determining whether he or she is eligible for certain Federal means-tested public benefits and also for State or local means-tested public benefits, if the State or local government's rules provide for consideration ("deeming") of your income and assets as available to the person.

This provision does **not** apply to public benefits specified in section 403(c) of the Welfare Reform Act such as, but not limited to, emergency Medicaid, short-term, non-cash emergency relief; services provided under the

National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; and means-tested programs under the Elementary and Secondary Education Act.

What If I Do Not Fulfill My Obligations?

If you do not provide sufficient support to the person who becomes a permanent resident based on the Form I-864EZ that you signed, that person may sue you for this support.

If a Federal, State or local agency, or a private agency provides any covered means-tested public benefit to the person who becomes a permanent resident based on the Form I-864EZ that you signed, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.

If you are sued, and the court enters a judgment against you, the person or agency that sued you may use any legally permitted procedures for enforcing or collecting the judgment. You may also be required to pay the costs of collection, including attorney fees.

If you do not file a properly completed Form I-865 within 30 days of any change of address, USCIS may impose a civil fine for your failing to do so.

When Will These Obligations End?

Your obligations under a Form I-

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864EZ will end if the person who becomes a permanent resident based on a Form I-864EZ that you signed:

- Becomes a U.S. Citizen;
- Has worked, or can be credited with, 40 quarters of coverage under the Social Security Act;
- No longer has lawful permanent resident status, and has departed the United States;
- Becomes subject to removal, but applies for and obtains in removal proceedings a new grant of adjustment of status, based on a new affidavit of support, if one is required; or
- Dies.

Note that divorce **does not** terminate your obligations under this Form I-864EZ.

Your obligations under a Form I-864EZ also end if you die.

Therefore, if you die, your Estate will not be required to take responsibility for the person's support after your death. Your Estate may, however, be responsible for any support that you owed before you died.

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20. I, _____,
certify under penalty of
perjury under the laws of
the United States that:

a. I know the contents of this
affidavit of support that I signed.

b. All the factual statements in this

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affidavit of support are true and correct.

c. I have read and I understand each of the obligations described in Part 6, and I agree, freely and without any mental reservation or purpose of evasion, to accept each of those obligations in order to make it possible for the immigrant indicated in Part 2 to become a permanent resident of the United States;

d. I agree to submit to the personal jurisdiction of any Federal or State court that has subject matter jurisdiction of a lawsuit against me to enforce my obligations under this Form I-864;

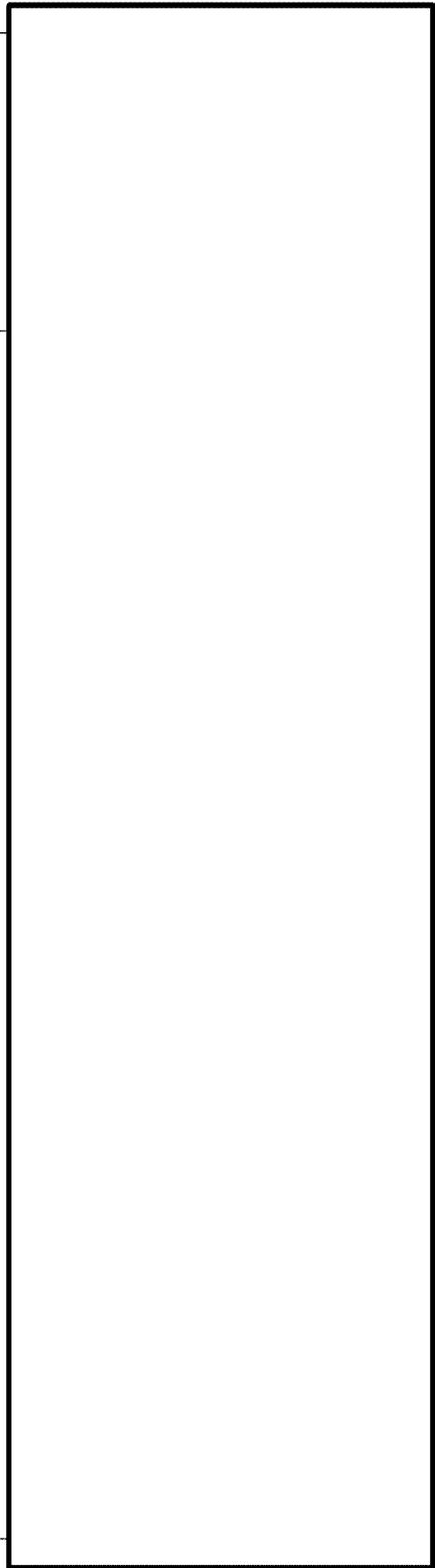
e. Each of the Federal income tax returns submitted in support of this affidavit are true copies, or are unaltered tax transcripts, of the tax returns I filed with the U.S. Internal Revenue Service; and

f. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.

g. Any other evidence submitted is true and correct.

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	<p>21. (Sponsor's Signature) <i>Date- mm/dd/yyyy</i></p>



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<p>Page 5, Part 7. Information on Preparer, if prepared by someone other than the sponsor</p>		

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I certify under penalty of perjury under the laws of the United States that I prepared this affidavit of support at the sponsor's request and that this affidavit of support is based on all information of which I have knowledge.

Signature:

Date (*mm/dd/yyyy*):

Printed Name:

Firm Name:

Address:

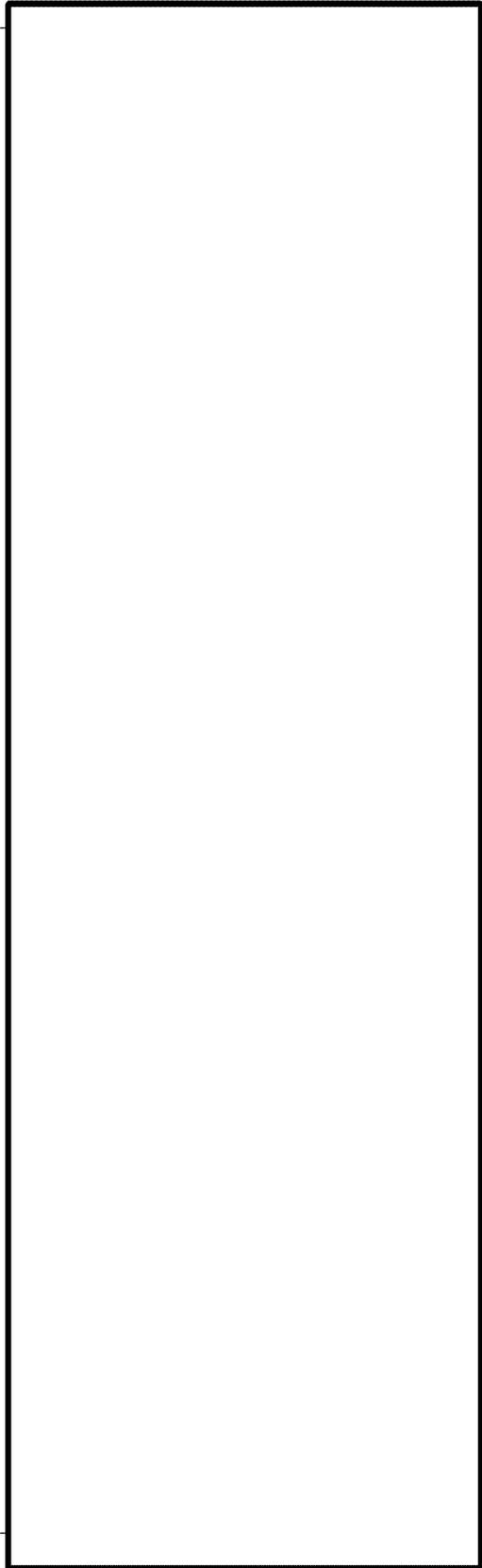
Telephone Number:

E-Mail Address:

Business State ID # (*if any*)

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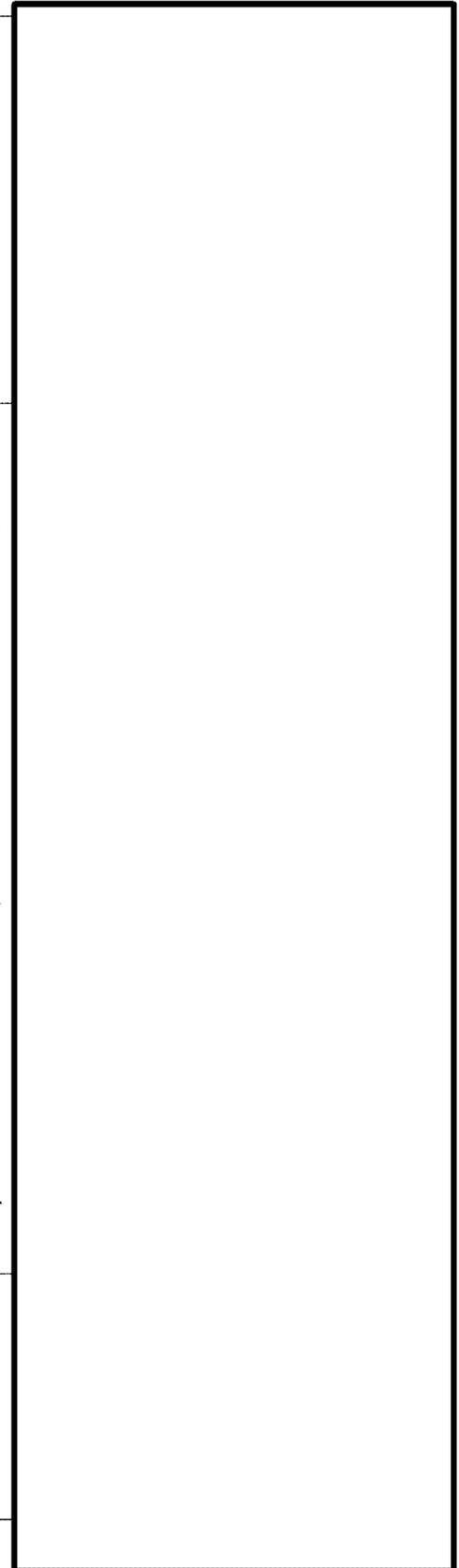
Form I-864W, Form TOC
Request for Exemption for Intending Immigrant's Affidavit of Support
OMB Number: 1615-0075
Date: 3/30/2015

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Reason for Revision: Updates to format, standard language, and information provided by subject matter experts.

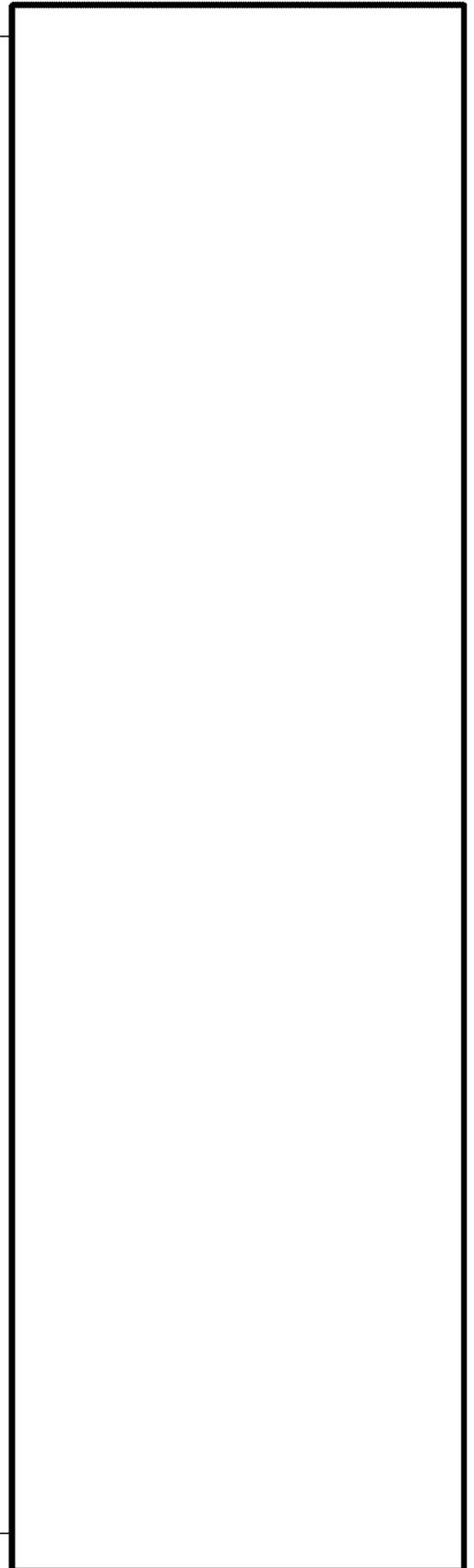
Location	Current Text	Proposed Text
<p>Page 1, Part 1. Part 1. Information about the intending immigrant. (You or your adopted child.)</p>	<p>1. Name Last Name First Name Middle Name</p> <p>2. Address</p> <p>Street Number and Name (<i>include apartment number</i>) City State or Province Country Zip/Postal Code</p> <p>3. Date of Birth (<i>mmdyyyy</i>)</p>	<div style="border: 2px solid black; height: 600px; width: 100%;"></div>

	<p>4. Country of Birth (<i>city/country</i>)</p> <p>5. Telephone Number (<i>Include area code or country and city codes</i>)</p> <p>7. Alien Registration Number (<i>if any</i>)</p> <p>6. Social Security Number (<i>if any</i>)</p>
<p>Page 1, Part 2. Reason for exemption.</p>	<p>I am EXEMPT from filing a Form I-864 Affidavit of Support because:</p> <p>I have earned (or can be credited with) 40 quarters (credits) of coverage under the Social Security Act (SSA). (Attach SSA earnings statements. Do not count any quarters during which you received a means-tested public benefit.)</p> <p>I am under 18, unmarried, immigrating as the child of a U.S. citizen, and will automatically become a U.S. citizen under the Child Citizenship Act of 2000 upon my admission to the United States.</p> <p>I am filing for an immigrant visa or adjustment of status as a self-petitioning widow(er) using Form I-360.</p> <p>I am filing for an immigrant visa or adjustment of status as a battered spouse or child using Form I-360.</p>
<p>Page 1, Part 3. Concluding provision.</p>	



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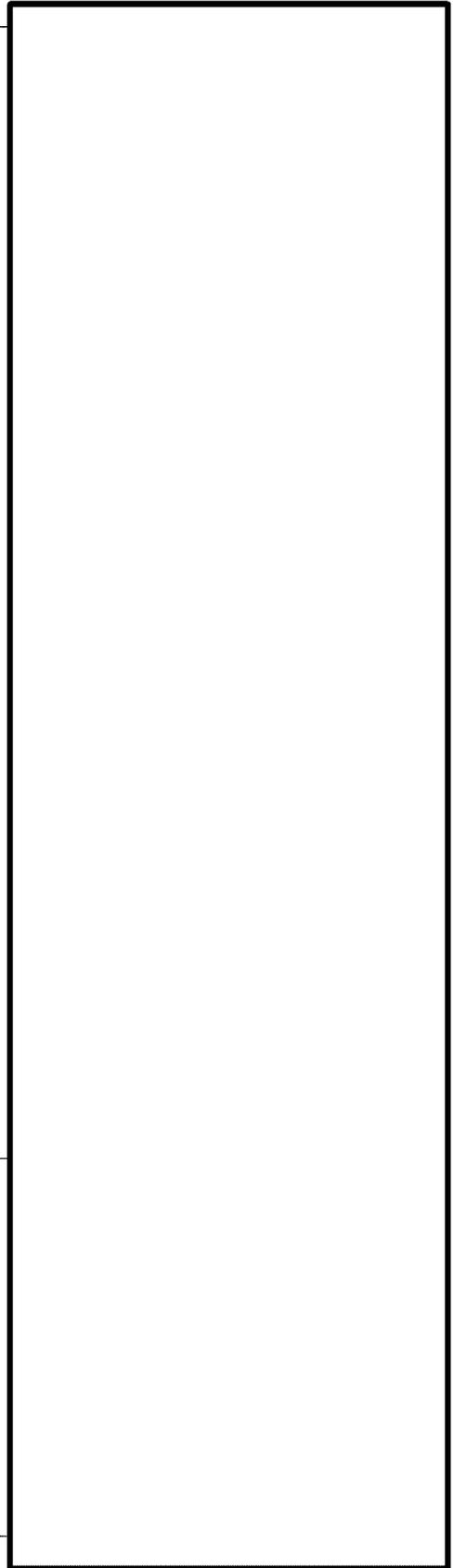


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	<p>I, [Fillable Field], certify under penalty of perjury under the laws of the United States that:</p> <p>(a) I know the contents of this exemption request which I signed;</p> <p>(b) All the statements in this exemption request are true and correct; and</p> <p>(c) I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.</p> <p><i>(Signature of intending immigrant, or of U.S. citizen parent if intending immigrant is less than 14 years old)</i></p> <p><i>(Date-mm/dd/yyyy)</i></p>	
<p>New</p>		

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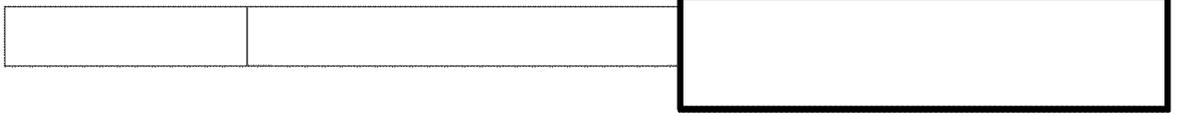
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Form I-864W, Instruction TOC
Instructions for Request for Exemption for Intending Immigrant's Affidavit of Support
OMB Number: 1615-0075
Date: 3/30/2015 (b)(5)

Reason for Revision: Updates to format and standard language, and edits provided by subject matter experts.

Location	Current Text	Proposed Text
<p>Page 1, How Should I Complete This Form?</p>	<ul style="list-style-type: none"> • Print clearly or type your answers using CAPITAL letters. • Use black ink. • If you need extra space to answer any item: <ul style="list-style-type: none"> -- Attach a separate sheet of paper (or more sheets if necessary); and -- Write your name, Social Security number and the words "Form I-864W" on the top right corner of the sheet; and write the number and subject of each question for which you are providing additional information. 	
<p>Page 1, What Is the Purpose of This Form?</p>	<p>The Form I-864 is legally required for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and are not likely to become a public charge. Certain classes of immigrants are exempt from the I-864 requirement and therefore must file Form I-864W instead of Form I-864 or Form I-864EZ. For more information about Forms I-864, Form I-864EZ, or I-864W, or to obtain related forms please contact:</p> <ul style="list-style-type: none"> • The USCIS Website 	

	<p>(www.uscis.gov);</p> <ul style="list-style-type: none">• The National Customer Service Center (NCSC) telephone line at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833; or• Your local USCIS office by using InfoPass.	
<p>Page 1, How Is This Form Used?</p>	<p>You must use this form instead of Form I-864 with your application for an immigrant visa or adjustment of status if any of the following apply:</p> <p>(1) You have earned (or can be credited with) 40 quarters of coverage under the Social Security Act (SSA).</p> <p>If you have 40 quarters or SSA coverage, you are exempt from the requirement to file Form I-864. You can acquire 40 qualifying quarters in the following ways:</p> <ul style="list-style-type: none">• Working in the United States for 40 quarters in which you received the minimum income established by the Social Security Administration; or• By being credited under section 213(a)(3)(B) of the Immigration and Nationality Act with quarters worked by your spouse during the marriage or a parent during the time you were under 18 years of age; or• A combination of the above. <p>If you are claiming credit for quarters worked by a spouse or parent, you may not count any quarter in which the spouse or parent was receiving means-tested public benefits. Include all SSA forms necessary to establish that you have or can be credited with 40 quarters of coverage.</p>	

(2) Intending immigrant is a child who will become a U.S. citizen immediately upon entry under the Child Citizenship Act of 2000 (CCA).

Under the CCA, some children become U.S. citizens immediately upon admission to the United States or adjustment of status to that of a lawful permanent resident. For this classification to apply:

- At least one parent of the child is a U.S. citizen;
- The child is under 18 years of age at the time of admission or adjustment of status;
- The child is residing permanently in the United States in the legal and physical custody of the U.S. parent; and
- If the child is an alien orphan child adopted abroad, the adoption was legally finalized prior to admission to the United States and both adoptive parents or the unmarried U.S. citizen parent personally observed the alien orphan before or during the adoption proceeding.

If the citizen parent(s) adopted the alien orphan abroad, but at least one of the adoptive parents or the unmarried parent did not see and observe the alien orphan before or during the foreign adoption proceeding, then an affidavit of support under this part is still required unless the citizen parent submits evidence that, under the law of the state of the alien orphan's intended residence in the United States, the foreign adoption decree is entitled to recognition without the need for a formal administrative or judicial proceeding in the State of proposed residence. Orphans whose adoptions are not legally finalized until

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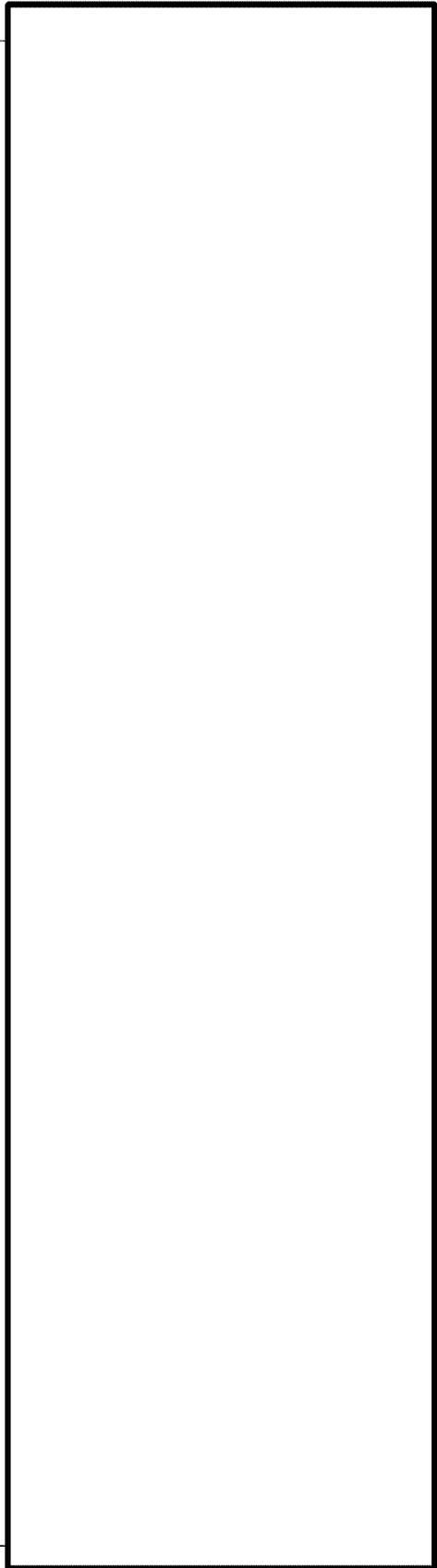
	<p>after admission to the United States will not qualify for this exemption and must file a Form I-864.</p> <p>(3) You are filing for an immigrant visa as a self-petitioning widow(er). If you are filing as a self-petitioning widow(er) using Form I-360, you are exempt from the Affidavit of Support requirements if your Form I-360 is approved and you are applying for lawful permanent residence.</p> <p>(4) You are filing for an immigrant visa as a self-petitioning battered spouse or child. If you are filing as a self-petitioning battered spouse or child using Form I-360, you are exempt from the Affidavit of Support requirements if your Form I-360 is approved and you are applying for lawful permanent residence.</p>	
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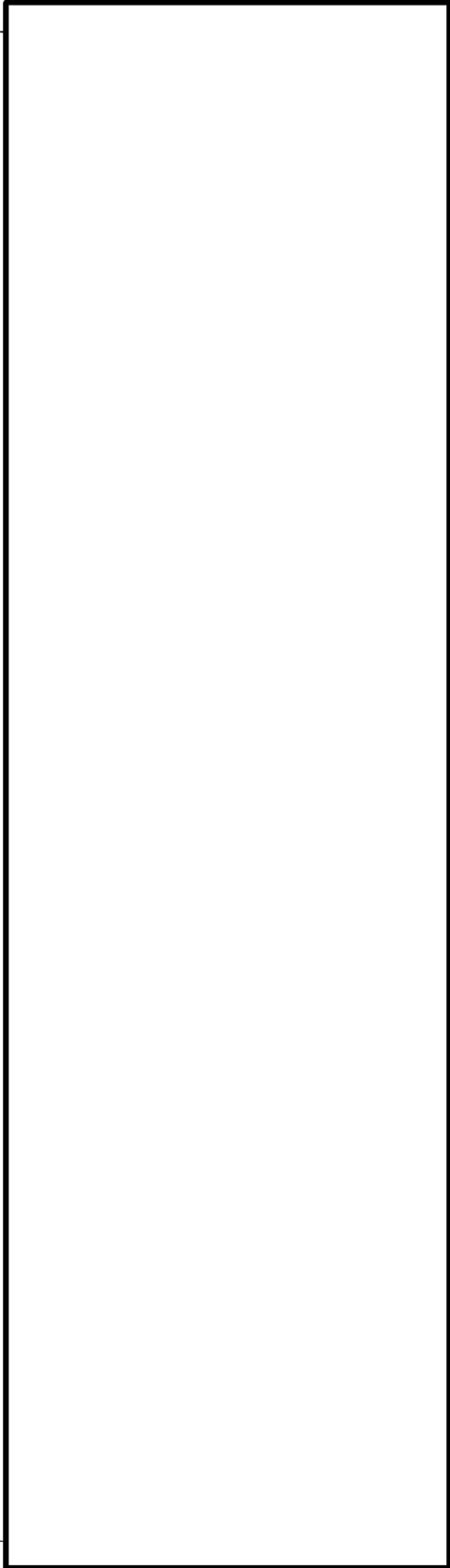
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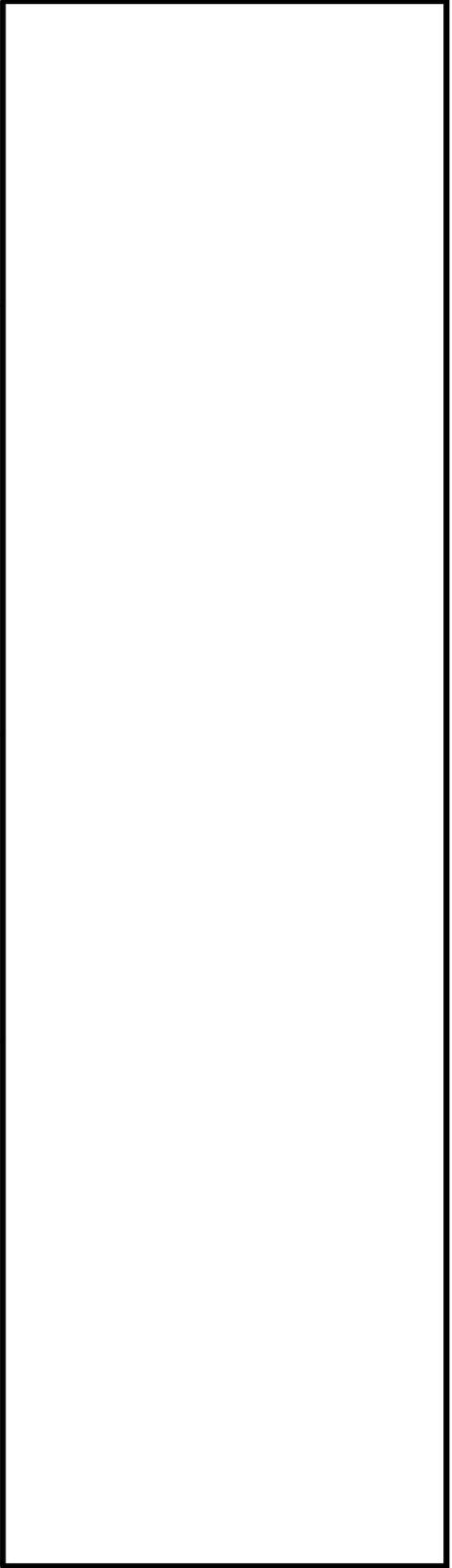


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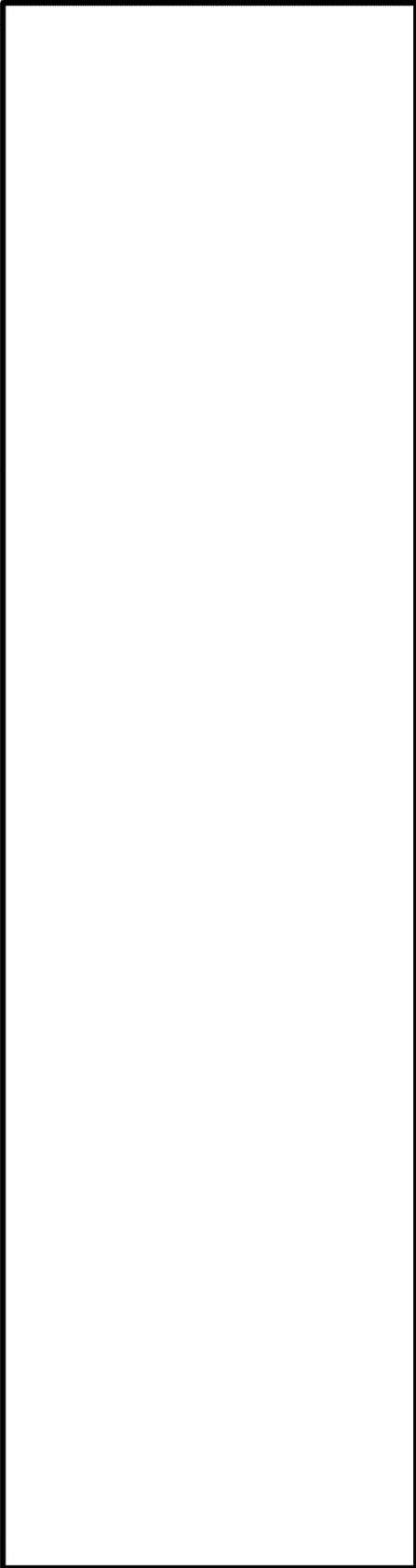
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<p>Page 2, USCIS Forms and Information</p> <p>AND</p> <p>Page 2, Use InfoPass for Appointments</p>	<p>To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by telephoning our USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.</p> <p>As an alternative to waiting in line for</p>	

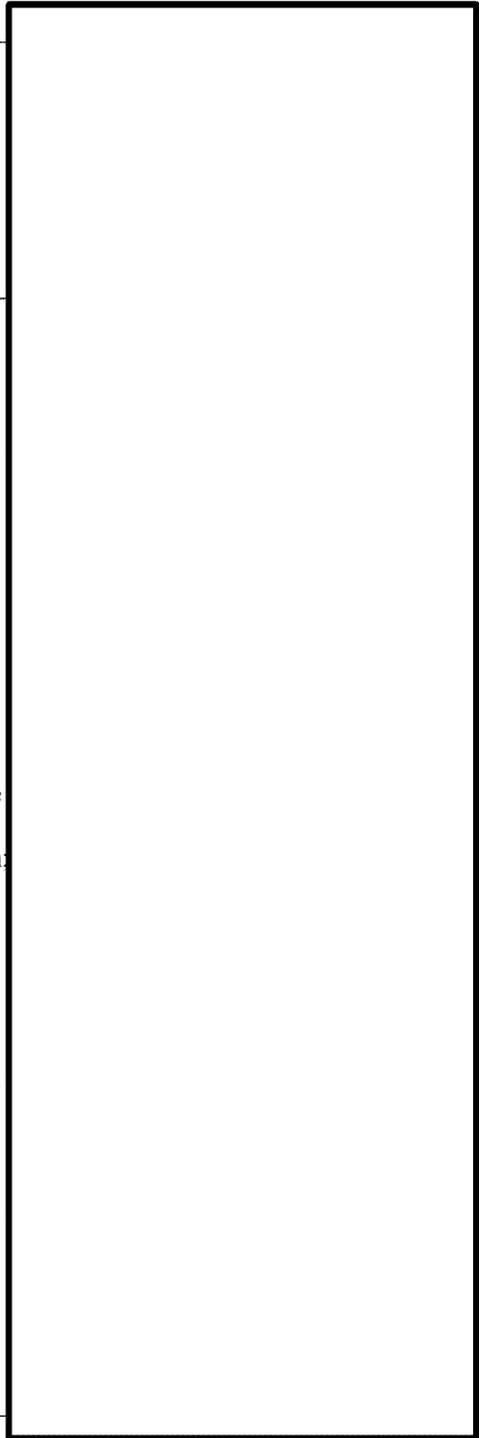
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	<p>assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, InfoPass. To access the system, visit our website at www.uscis.gov. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.</p>
<p>Page 2, Penalties</p>	<p>The Government may pursue verification of any information provided on or in support of this form. If you include in this affidavit of support any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.</p>



<p>Page 2, Privacy Act Notice</p>	<p>Authority for the collection of the information requested on this form is contained in 8 U.S.C. 1182a(4), 1183a, 1184(a), and 1258. The information will be used principally by an immigration judge, USCIS, or a Consular Officer to whom it is furnished, to determine an alien's eligibility for benefits under the Immigration and Nationality Act, specifically whether he or she has adequate means of financial support and will not become a public charge.</p> <p>Submission of the information is voluntary. Failure to provide the information will result in denial of the application for an immigrant visa or adjustment of status.</p> <p>The information may also, as a matter of routine use, be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration consistent with the consent signed as part of the contract in Part 3 of the Form I-864. They may also be disclosed as a matter of routine use to other Federal, State, local, and foreign law enforcement and regulatory agencies to enable these entities to carry out their law enforcement responsibilities.</p>	

<p>Page 2, Reporting Burden</p>	<p>A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.</p> <p>The estimated average time to complete and file this form is as follows: (1) 15 minutes to learn about the law and form; (2) 15 minutes to complete the form; and (3) 30 minutes to assemble and file the form; for a total estimated average of 1 hour per form.</p> <p>If you have comments regarding the accuracy of this estimate or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, D.C. 20529-2140. OMB No. 1615-0075. Do not mail your completed Form I-864W to this address.</p>



FW: Form I-864 Package and TOC's

Wednesday, December 30, 2015

7:41 AM

Subject	FW: Form I-864 Package and TOC's
From	Wilson, Lynn M
To	Ramsay, John R; Post, Elizabeth A
Cc	Nazer, David I; Johnson, David P; Rankin, Carrie A; Boyce, Sunita K; Tabron, Chante N; Barratt, Kashanna C
Sent	Monday, May 04, 2015 11:10 PM
Attachments	 I864-INS-O...  I864-FRM-...  I864-FRM-...  I864-INS-T...  I864A-FR...  I864A-INS-...  I864A-FR...  I864A-INS-...  I864EZ-FR...  I864EZ-INS...  I864EZ-FR...



I864EZ-FR...



I864EZ-INS...



I864W-FR...



I864W-INS...



I864W-FR...



I864W-INS...

Hi John,

Here is the updated suite of forms and instructions for Form I-864, I-864A, I-864W, and I-864EZ, and the correlating TOCs, for OMB review.

Thanks,

Elizabeth

Elizabeth Post

Forms Management Branch

Office of Intake and Document Production

U.S. Citizenship and Immigration Services

Office Telephone (M, T, R): (913) 214-5867

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Telework Telephone (W,)

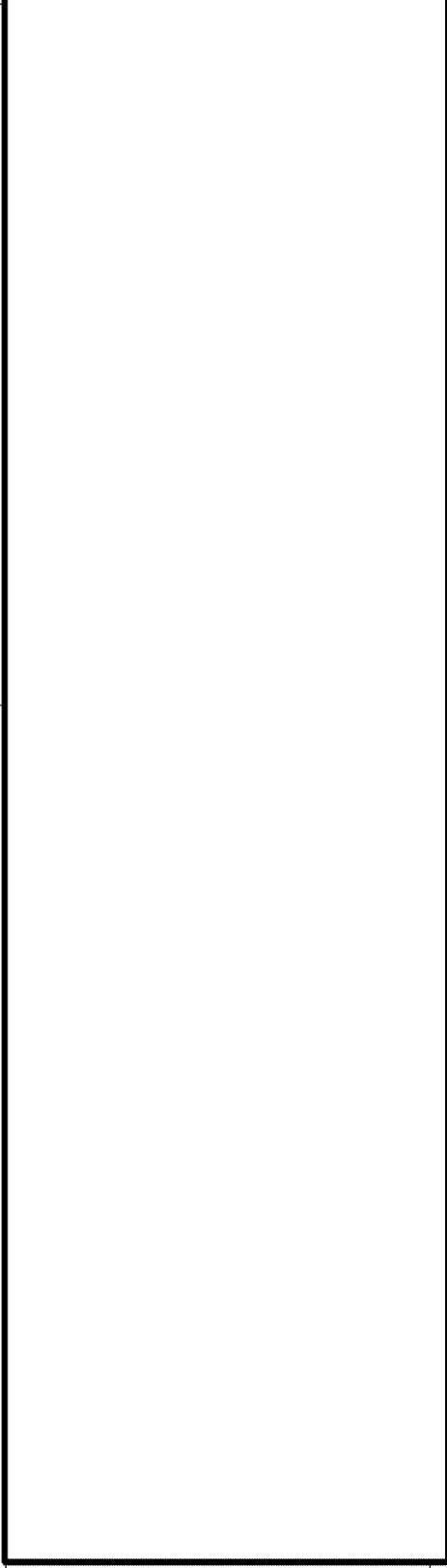
"Warning: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 USC 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to Sensitive But Unclassified (SBU) information and is not to be released to the public or other personnel who do not have a valid "need to know" without prior approval of the originator."

Form I-864, Form TOC
Affidavit of Support Under Section 213A of the INA
OMB Number: 1615-0075
Date: 5/04/2015

Reason for Revision: Updates to format, standard language, and edits provided by subject matter experts.

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Location	Current Text	Proposed Text
<p>Page 1, Part 1. Basis For Filing Affidavit of Support</p>	<p>[Page 1]</p> <p>Part 1. Basis For Filing Affidavit of Support</p> <p>1. _____ am the sponsor submitting this affidavit of support because <i>(Check only one box)</i>:</p> <p>1.a. I am the petitioner. I filed or am filing for the immigration of my relative.</p> <p>1.b. I filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____.</p> <p>1.c. I have an ownership interest of at least 5 percent in _____ which filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____.</p> <p>1.d. I am the only joint sponsor.</p> <p>1.e. I am the ___ first ___ second of two joint sponsors.</p> <p>1.f. The original petitioner is deceased. I am the substitute sponsor. I am the intending immigrant's _____.</p> <p>NOTE: If you check box 1.b., 1.c., 1.d., 1.e., or 1.f., you must include proof of your citizenship, national, or lawful permanent resident status.</p>	<div style="border: 2px solid black; height: 500px; width: 100%;"></div>
<p>Page 1, Part 2. Information on the Principal</p>	<p>[Page 1]</p> <p>Part 2. Information on the Principal Immigrant</p>	

Immigrant	<p>1.a. Family Name (Last Name) 1.b. Given Name (First Name) 1.c. Middle Name</p> <p>Mailing Address</p> <p>2.a. Street Number and Name 2.b. Apt. Ste. Flr. 2.c. City or Town 2.d. State 2.e. Zip Code 2.f. Postal Code 2.g. Province 2.h. Country</p> <p>Other Information</p> <p>3. Country of Citizenship 4. Date of Birth (mm/dd/yyyy) 5. Alien Registration Number (A-Number)</p>	
Pages 2-3, Part 3. Information on the Immigrant(s) You Are Sponsoring	<p>[Page 2]</p> <p>Part 3. Information on the Immigrant(s) You Are Sponsoring</p> <p>1. I am sponsoring the principal immigrant named in Part 2. Yes No (Applicable only in cases with two joint sponsors)</p> <p>2. I am sponsoring the following family members immigrating at the same time or within 6 months of the principal immigrant named in Part 2. Do not include any relative listed on a separate visa petition.</p> <p>Family Member 1</p> <p>2.a. Family Name (Last Name) 2.b. Given Name (First Name) 2.c. Middle Name</p> <p>2.d. Relationship to Sponsored Immigrant 2.e. Date of Birth (mm/dd/yyyy) 2.f. Alien Registration Number (A-Number)</p>	

<p>Family Member 2 3.a. Family Name (Last Name) 3.b. Given Name (First Name) 3.c. Middle Name</p> <p>3.d. Relationship to Sponsored Immigrant 3.e. Date of Birth (<i>mm/dd/yyyy</i>) 3.f. Alien Registration Number (A-Number)</p> <p>Family Member 3 4.a. Family Name (Last Name) 4.b. Given Name (First Name) 4.c. Middle Name</p> <p>4.d. Relationship to Sponsored Immigrant 4.e. Date of Birth (<i>mm/dd/yyyy</i>) 4.f. Alien Registration Number (A-Number)</p> <p>Family Member 4 5.a. Family Name (Last Name) 5.b. Given Name (First Name) 5.c. Middle Name</p> <p>5.d. Relationship to Sponsored Immigrant 5.e. Date of Birth (<i>mm/dd/yyyy</i>) 5.f. Alien Registration Number (A-Number)</p> <p>Family Member 5 6.a. Family Name (Last Name) 6.b. Given Name (First Name) 6.c. Middle Name</p> <p>[Page 3]</p> <p>6.d. Relationship to Sponsored Immigrant 6.e. Date of Birth (<i>mm/dd/yyyy</i>) 6.f. Alien Registration Number (A-Number)</p> <p>7. Enter the total number of immigrants you are sponsoring on this form from Items 1-6.</p>	
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**Page 3,
Part 4.
Information on
the Sponsor**

[Page 3]

Part 4. Information on the Sponsor

Sponsor's Full Name

- 1.a. Family Name (Last Name)
- 1.b. Given Name (First Name)
- 1.c. Middle Name

Sponsor's Mailing Address

- 2.a. Street Number and Name
- 2.b. Apt. Ste. Flr.
- 2.c. City or Town
- 2.d. State
- 2.e. Zip Code
- 2.f. Postal Code
- 2.g. Province
- 2.h. Country

Sponsor's Place of Residence

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State
- 3.e. Zip Code
- 3.f. Postal Code
- 3.g. Province
- 3.h. Country

Other Information

- 4. Telephone Number
- 5. Country of Domicile
- 6. Date of Birth (mm/dd/yyyy)

[Page 4]

- 7. City or Town of Birth
- 8. State or Province of Birth
- 9. Country of Birth
- 10. U.S. Social Security Number (Required)

Citizenship/Residency

- 11.a. I am a U.S. citizen
- 11.b. I am a U.S. national (for joint sponsors only).

	<p>11.c. I am a lawful permanent resident.</p> <p>My alien registration number is:</p> <p>Military Service <i>(To be completed by petitioner sponsors only.)</i></p> <p>12. I am currently on active duty in the U.S. armed services. Y/N</p>
<p>Page 4, Sponsor's Household Size</p>	<p>[Page 4]</p> <p>Part 5. Sponsor's Household Size</p> <p>Your Household Size – <u>DO NOT COUNT ANYONE TWICE.</u></p> <p><i>Persons you are sponsoring in this affidavit:</i></p> <p>1. Enter the number you entered on line 7 of Part 3.</p> <p><i>Persons NOT sponsored in this affidavit:</i></p> <p>2. Yourself. 1</p> <p>3. If you are currently married, enter "1" for your spouse.</p> <p>4. If you have dependent children, enter the number here.</p> <p>5. If you have any other dependents, enter the number here.</p> <p>6. If you have sponsored any other persons on an I-864 or I-864 EZ who are now lawful permanent residents, enter that number here.</p> <p>7. OPTIONAL: If you have <u>siblings, parents, or adult children</u> with the same principal residence who are combining their income with yours by submitting Form I-864A, enter the number here.</p> <p>8. Add together lines 1-7 and enter the number here. Household size:</p>



(b)(5)

**Page 5,
Part 6.
Sponsor's
Income and
Employment**

[Page 4]

**Part 6. Sponsor's Income and
Employment**

I am currently

1. Employed as a/an

1.a. Name of Employer #1 *(if applicable)*

1.b. Name of Employer #2 *(if applicable)*

2. Self-employed as a/an

3. Retired from:

3.a. Company Name

3.b. Date of Retirement *(mm/dd/yyyy)*

[Page 5]

4. Unemployed since *(mm/dd/yyyy)*

5. My current individual annual income is:
(See instructions) \$

**Income you are using from any other
person who was counted in your
household size**, including, in certain
conditions, the intending immigrant. (See
Instructions.) Please indicate name,
relationship and income.

Person 1

6.a. Name

6.b. Relationship

6.c. **Current Income**

Person 2

7.a. Name

7.b. Relationship

7.c. **Current Income**

Person 3

8.a. Name

8.b. Relationship

8.c. **Current Income**

Person 4

9.a. Name

9.b. Relationship

9.c. **Current Income**

**10. My current Annual Household
Income** *(Total all lines from 5, 6.c., 7.c.,
8.c., and 9.c., Will be compared to Poverty
Guidelines -- See Form I-864P.)*

11. The person(s) listed in 6.a., 7.a., 8.a., and 9.a. have completed Form I-864A. I am filing along with this form all necessary Forms I-864A completed by these person(s).

12. The person(s) listed in 6.a., 7.a., 8.a., or 9.a does not need to complete Form I-864A because he/she is the intending immigrant and has no accompanying dependents.

Name(s)

Federal income tax return information

13. I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for **only the most recent tax year.**

[Page 6]

My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal income tax returns for the most recent 3 years was:

Tax Year	Total Income
13.a. _____ (most recent)	13.a.1
13.b. _____ (2 nd most recent)	13.b.1.
13.c. _____ (3 rd most recent)	13.c.1.

14. (Optional) I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.

**Page 6,
Part 7. Use of
Assets to
Supplement
Income**
(optional)

[Page 6]

**Part 7. Use of Assets to Supplement
Income** *(optional)*

If your income, or the total income for you and your household, from Part 6, line 10 exceeds the Federal Poverty Guidelines for your household size, YOU ARE NOT REQUIRED to complete this Part. Skip to Part 8.

Your assets *(Optional)*

1. Enter the balance of all savings and checking accounts.
2. Enter the net cash value of real-estate holdings. (Net means current assessed value minus mortgage debt.)
3. Enter the net cash value of all stocks, bonds, certificates of deposit, and any other assets not already included in lines 1 or 2.

4. Add together lines 1-3 and enter the number here. TOTAL: \$ _____

Assets from Form I-864A, line 12d for:

5.a. Name of Relative

5.b. Your household member's assets from Form I-864A. *(Optional)*

Assets of the principal sponsored immigrant *(Optional)*. The principal sponsored immigrant is the person listed in lines 1.a. – 1.c. in Part 2.

6. Enter the balance of the sponsored immigrant's savings and checking accounts.
7. Enter the net cash value of all the sponsored immigrant's real estate holdings. (Net means investment value minus mortgage debt.)
8. Enter the current cash value of the sponsored immigrant's stocks, bonds, certificates of deposit, and other assets not

	<p>included on line 6 or 7.</p> <p>9. Add together lines 6-8 of Part 7 and enter the number here.</p> <p>Total value of assets.</p> <p>10. Add together lines 4, 5.b., and 9 of Part 7 and enter the number here.</p> <p>TOTAL:</p>
<p>Page 8, Part 8. Sponsor's Contract</p>	<p>[Page 7]</p> <p>Part 8. Sponsor's Contract</p> <p><i>Please note that, by signing this Form I-864, you agree to assume certain specific obligations under the Immigration and Nationality Act and other Federal laws. The following paragraphs describe those obligations. Please read the following information carefully before you sign the Form I-864. If you do not understand the obligations, you may wish to consult an attorney or accredited representative.</i></p> <p>What is the Legal Effect of My Signing a Form I-864?</p> <p>If you sign a Form I-864 on behalf of any person (called the "intending immigrant") who is applying for an immigrant visa or for adjustment of status to a lawful permanent resident, and that intending immigrant submits the Form I-864 to the U.S. Government with his or her application for an immigrant visa or adjustment of status, under section 213A of the Immigration and Nationality Act these actions create a contract between you and the U. S. Government. The intending immigrant's becoming a permanent resident is the "consideration" for the contract.</p> <p>Under this contract, you agree that, in deciding whether the intending immigrant</p>

can establish that he or she is not inadmissible to the United States as an alien likely to become a public charge, the U.S. Government can consider your income and assets to be available for the support of the intending immigrant.

What If I choose Not to Sign a Form I-864?

You cannot be made to sign a Form I-864 if you do not want to do so. But if you do not sign the Form I-864, the intending immigrant may not be able to become a lawful permanent resident in the United States.

What Does Signing the Form I-864 Require Me to do?

If an intending immigrant becomes a lawful permanent resident in the United States based on a Form I-864 that you have signed, then, until your obligations under the Form I-864 terminate, you must:

-- Provide the intending immigrant any support necessary to maintain him or her at an income that is at least 125 percent of the Federal Poverty Guidelines for his or her household size (100 percent if you are the petitioning sponsor and are on active duty in the U.S. Armed Forces and the person is your husband, wife, unmarried child under 21 years old.)

-- Notify USCIS of any change in your address, within 30 days of the change, by filing Form I-865.

What Other Consequences Are There?

If an intending immigrant becomes a permanent resident in the United States based on a Form I-864 that you have signed, then until your obligations under the Form I-864 terminate, your income and assets may be considered ("deemed") to be available to that person, in determining whether he or she is eligible for certain Federal means-tested public benefits and

also for State or local means-tested public benefits, if the State or local government's rules provide for consideration ("deeming") of your income and assets as available to the person.

This provision does **not** apply to public benefits specified in section 403(c) of the Welfare Reform Act such as, but not limited to, emergency Medicaid, short-term, non-cash emergency relief; services provided under the National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; and means-tested programs under the Elementary and Secondary Education Act.

What If I Do Not Fulfill My Obligations?

If you do not provide sufficient support to the person who becomes a lawful permanent resident based on the Form I-864 that you signed, that person may sue you for this support.

[Page 8]

If a Federal, State or local agency, or a private agency provided any covered means-tested public benefit to the person who becomes a lawful permanent resident based on the Form I-864 that you signed, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.

If you are sued, and the court enters a judgment against you, the person or agency that sued you may use any legally permitted procedures for enforcing or collecting the judgment. You may also be required to pay the costs of collection, including attorney fees.

If you do not file a properly completed Form I-865 within 30 days of any change of address, USCIS may impose a civil fine for your failing to do so.

(b)(5)

When Will These Obligations End?

Your obligations under a Form I-864 will end if the person who becomes a permanent resident based on a Form I-864 that you signed:

1. Becomes a U.S. citizen;
2. Has worked, or can be credited with, 40 quarters of coverage under the Social Security Act;
3. No longer has lawful permanent resident status, and has departed the United States;
4. Becomes subject to removal, but applies for and obtains in removal proceedings a new grant of adjustment of status, based on a new affidavit of support, if one is required; or
5. Dies.

Note that divorce **does not** terminate your obligations under this Form I-864.

Your obligations under a Form I-864 also end if you die. Therefore, if you die, your Estate will not be required to take responsibility for the person's support after your death. Your Estate may, however, be responsible for any support that you owed before you died.

(b)(5)

I, _____ (*Print Sponsor's Name*)
certify under penalty of perjury under the
laws of the United States that:

a. I know the contents of this affidavit of
support that I signed.

**b. All the factual statements in this
affidavit of support are true and correct.**

c. I have read and I understand each of the
obligations described in Part 8, and I agree,
freely and without any mental reservation or
purpose of evasion, to accept each of those
obligations in order to make it possible for
the immigrants indicated in Part 3 to become
lawful permanent residents of the United
States;

(b)(5)

	<p>d. I agree to submit to the personal jurisdiction of any Federal or State court that has subject matter jurisdiction of a lawsuit against me to enforce my obligations under this Form I-864;</p> <p>e. Each of the Federal income tax returns submitted in support of this affidavit are true copies, or are unaltered tax transcripts, of the tax returns I filed with the U.S. Internal Revenue Service; and</p> <p>f. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.</p> <p>g. Any and all other evidence submitted is true and corrects.</p> <p>1.a. Signature of the Sponsor 1.b. Date of Signature (<i>mm/dd/yyyy</i>)</p>	
<p>New</p>		

(b)(5)

<p>Page 9, Information on Preparer, If Prepared By someone Other Than the Sponsor</p>	<p>[Page 9]</p> <p>Part 9. Information on Preparer, If Prepared By Someone Other Than the Sponsor</p> <p><i>Preparer's Full Name</i> 1.a. Preparer's Family Name (Last Name) 1.b. Preparer's Given Name (First Name) 2. Preparer's Business or Organization Name (if any)</p>	

(b)(5)

Preparer's Mailing Address

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State
- 3.e. Zip Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Preparer's Contact Information

- 4. Preparer's Daytime Telephone Number

- 5. Preparer's Email Address
- 6. Business State ID # (*if any*)

Declaration

I certify under penalty of perjury under the laws of the United States that I prepared this affidavit of support at the sponsor's request and that this affidavit of support is based on all information of which I have knowledge.

- 7.a. Signature of Preparer
- 7.b. Date of Signature (*mm/dd/yyyy*)

(b)(5)

New		
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TABLE OF CHANGES – INSTRUCTIONS
Form I-864, Affidavit of Support Under Section 213A of the INA
OMB Number: 1615-0075

05/04/2015

(b)(5)

Reason for Revision: Updates to format, standard language, and edits provided by subject matter experts.

Current Page Number and Section	Current Text	Proposed Text
<p>Page 1, What Is the Purpose of This Form?</p>	<p>[Page 1]</p> <p>What Is the Purpose of This Form?</p> <p>This form is required for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and are not likely to become a public charge. For more information about Form I-864, Affidavit of Support Under Section 213A of the Act, or to obtain related forms please contact:</p> <ol style="list-style-type: none"> 1. The USCIS Web site (www.uscis.gov); 2. The USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833 ; <p style="text-align: center;">or</p> <ol style="list-style-type: none"> 3. Your local USCIS office by using Infopass. 	
<p>Page 1, How Is This Form Used?</p>	<p>[Page 1]</p> <p>How Is This Form Used?</p> <p>This form is a contract between a sponsor and the U.S. Government. Completing and signing this form makes you the sponsor. You must show on this form that you have enough income and/or assets to maintain the intending immigrant(s) and the rest of your household at 125 percent of the Federal Poverty Guidelines. By signing Form I-864, you are agreeing to use your resources to support the intending immigrant(s) named in this form, if it becomes necessary.</p> <p>The submission of this form may make the sponsored immigrant ineligible for certain Federal, State, or local means-tested public benefits, because an agency that provides means-tested public benefits will consider</p>	

your resources and assets as available to the sponsored immigrant in determining his or her eligibility for the program.

If the immigrant sponsored in this affidavit does receive one of the designated Federal, State or local means-tested public benefits, the agency providing the benefit may request that you repay the cost of those benefits. That agency can sue you if the cost of the benefits provided is not repaid.

Not all benefits are considered to be means-tested public benefits. See Form I-864P, Poverty Guidelines, for more information on which benefits may be covered by this definition, or the contract in **Part 8.** of this form for a list of benefits explicitly not considered means-tested public benefits.

**Page 1,
Who Needs This Form?**

[Page 1]

Who Needs This Form?

The following immigrants are required by law to submit Form I-864 completed by the petitioner to obtain an immigrant visa overseas or to adjust status to that of a lawful permanent resident in the United States:

1. All immediate relatives of U.S. citizens (spouses, unmarried children under age 21, and parents of U.S. citizens age 21 and older);
2. All family-based preference immigrants (unmarried sons and daughters of U.S. citizens, spouses and unmarried sons and daughters of permanent resident aliens, married sons and daughters of U.S. citizens, and brothers and sisters of U.S. citizens age 21 and older); and
3. Employment-based preference immigrants in cases only when a U.S. citizen or lawful permanent resident relative filed the immigrant visa petition or such relative has a significant ownership interest (five percent or more) in the entity that filed the petition.

<p>Pages 1-2, Are There Exceptions to Who Needs This Form?</p>	<p>[Page 1]</p> <p>Are There Exceptions to Who Needs This Form?</p> <p>The following type of intending immigrants do not need to file this form:</p> <ol style="list-style-type: none">1. Any intending immigrant who has earned or can be credited with 40 qualifying quarters (credits) of work in the United States. In addition to their own work, intending immigrants may be able to secure credit for work performed by a spouse during marriage and by their parent(s) while the immigrants were under 18 years of age. The Social Security <p>[Page 2]</p> <p>Administration (SSA) can provide information on how to count quarters of work earned or credited and how to provide evidence of such. See the SSA Web site at www.ssa.gov/mystatement/credits for more information;</p> <ol style="list-style-type: none">2. Any intending immigrant who will, upon admission, acquire U.S. citizenship under section 320 of the Immigration and Nationality Act, as amended by the Child Citizenship Act of 2000 (CCA);3. Self-petitioning widows(ers) who have an approved Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360; and4. Self-petitioning battered spouses and children who have an approved Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360. <p>NOTE: If you qualify for one of the exemptions listed above, submit Form I-864W, Intending Immigrant's Affidavit of Support Exemption, instead of Form I-864.</p>
<p>Page 2, General Instructions</p>	<p>[Page 2]</p> <p>General Instructions</p> <p>If you are completing this form on a computer, the data you enter will be</p>

captured using 2D barcode technology. This capture will ensure that the data you provide is accurately entered into USCIS systems. As you complete each field, the 2D barcode line at the bottom of each page will shift as data is captured. Upon receipt of your form, USCIS will use decoding equipment to extract the data from the form. Please **do not damage the 2D barcode** (e.g., puncture, staple, spill on, write on, etc.) as this could affect the ability of USCIS to timely process your form.

Each application must be properly signed and filed. A photocopy of a signed application or a typewritten name in place of a signature is not acceptable. An application or petition is not considered properly filed until accepted by USCIS.

Evidence. You must submit all required initial evidence as well as all the supporting documentation with your application at the time of filing.

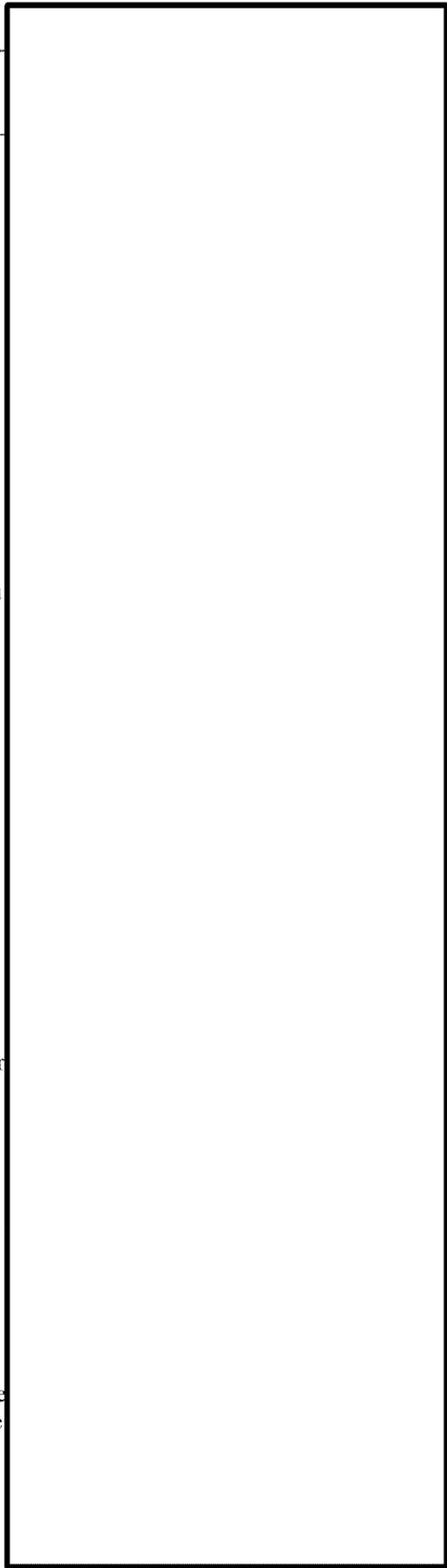
Copies. Unless specifically required that an original document be filed with an application or petition, a legible photocopy may be submitted. Original documents submitted when not required may remain a part of the record, and will not automatically be returned to you.

Translations. Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

How to Fill Out Form I-864

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, write your name and Alien Registration Number (A-Number) (if any), at the top of each sheet of paper, indicate the Part and item number to which your answer refers, and date and sign each sheet.
3. Answer all questions fully and accurately. If an item is not applicable or the answer is "none," leave the space blank.

<p>Pages 2-8, General Instructions</p>	<p>[Page 2]</p> <p>General Instructions</p> <p>Part 1. Basis for Filing Affidavit of Support.</p> <p>1.a. Check Item Number "1.a." if you are the petitioner who is filing or who has already filed a Form I-129F for a fiancé (e), Form I-130 for a family member, or Form I-600 or Form I-600A for an orphan. If you are the petitioner, you must sponsor each intending immigrant.</p> <p>1.b. Check Item Number "1.b." if you are filing or have filed Form I-140 for your husband, wife, father, mother, child, adult son or daughter, brother, or sister.</p> <p>1.c. Check Item Number "1.c." if you have an ownership interest of at least 5 percent in a business, corporation or other entity that filed or is filing a Form I-140 for your husband, wife, father, mother, child, adult son or daughter, brother, or sister.</p> <p>[Page 3]</p> <p>1.d. Check Item Number "1.d." if you are the only joint sponsor.</p> <p>1.e. Check Item Number "1.e." if you are either of two joint sponsors.</p> <p>NOTE: A joint sponsor does not have to be related to the intending immigrant. Indicate whether you are the only joint sponsor or one of two joint sponsors. Check with the petitioning sponsor or the intending immigrant if you are not certain.</p>



1.f. Check **Item Number "1.f."** if you are the substitute sponsor. A substitute sponsor is a sponsor who is completing a Form I-864 on behalf of an intending immigrant whose original Form I-130 petitioner has died after the Form I-130 was approved, but before the intending immigrant obtained permanent residence. The substitute sponsor must be related to the intending immigrant in one of the following ways: spouse, parent, mother-in-law, father-in-law, sibling, child (at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild or legal guardian. The substitute sponsor must also be a U.S. citizen or lawful permanent resident. If you are a substitute sponsor, you must sponsor each intending immigrant.

Part 2. Information on the Principal Immigrant. *The principal immigrant is the intending immigrant who is the primary beneficiary of the visa petition.*

1. Item Number 5. Alien Registration Number.

An "A-Number" is an Alien Registration Number assigned by the former Immigration and Naturalization Service (INS) or U.S. Citizenship and Immigration Services (USCIS). If the intending immigrants you are sponsoring have not previously been in the United States or

have only been in the United States as tourists, they probably do not have A-Numbers. Persons with A-Numbers can locate the number on their INS or USCIS-issued documentation.

Part 3. Information on Immigrant(s) You Are Sponsoring.

1. Indicate whether you are sponsoring the principal immigrant listed in **Part 2.** in this Form I-864. This only applies to cases with two joint sponsors. Check "No" if you are sponsoring only intended immigrants listed in **Part 3., Item Numbers 2.a. - 6.g.)** and not the principal immigrant listed in **Part 2.**

2. Family Members.

The immigrant you are sponsoring may be bringing a spouse and/or children to the United States. If the spouse and/or children will be traveling with the immigrant, or within 6 months of the immigrant's entry to the United States and you are sponsoring them, you should list the names and other requested information on the lines provided. If any dependents are not immigrating, will be immigrating more than 6 months after the sponsored alien arrives in the United States, or you are not sponsoring them, do not list their names here. A separate Form I-864 will be required for them when they apply for their immigrant visas.

Part 4. Information on the Sponsor

Item Number 5. Country of Domicile.

This question is asking you to indicate the country where you maintain your principal residence and where you plan to reside for the foreseeable future. If your mailing address and/or place of residence is not in the United States, but your country of domicile is the United States, you must attach a written explanation and documentary evidence indicating how you meet the domicile requirement. If you are not currently living in the United States, you may meet the domicile requirement if you can submit evidence to establish that any of the following conditions apply:

1. You are employed by a certain organization.

Some individuals employed overseas are automatically considered to be domiciled in the United States because of the nature of their employment. The qualifying types of employment include employment by:

	<p>a. The U.S. government;</p> <p>b. An American institution of research recognized by the Secretary of Homeland Security (the list of qualifying institutions may be found at 8 CFR 316.20);</p> <p>[Page 4]</p> <p>c. A U.S. 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 or corporation;</p> <p>d. A public international organization in which the United States participates by treaty or statute;</p> <p>e. A religious denomination having a bona fide organization in the United States, if the employment abroad involves the person's performance of priestly or ministerial functions on behalf of the denomination; or</p> <p>f. A religious denomination or interdenominational missionary organization having a bona fide organization in the United States, if the person is engaged solely as a missionary.</p> <p>2. You are living abroad temporarily.</p> <p>If you are not currently living in the United States, you must show that your trip abroad is temporary and that you have maintained your domicile in the United States. You can show this by providing proof of your voting record in the United States, proof of paying U.S. State or local taxes, proof of having property in the United States, proof of maintaining bank or investment accounts in the United States, or proof of having a permanent mailing address in the United States. Other proof could be evidence that you are a student studying abroad or that a foreign government has authorized a temporary stay.</p>	
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3. You intend in good faith to reestablish your domicile in the United States no later than the date of the intending immigrant's admission or adjustment of status.

You must submit proof that you have taken concrete steps to establish that you will be domiciled in the United States at a time no later than the date of the intending immigrant's admission or adjustment of status. Concrete steps might include accepting a job in the United States, signing a lease or purchasing a residence in the United States, or registering children in U.S. schools. Please attach proof of the steps you have taken to establish domicile as described above.

4. Item Number 10. U.S. Social Security Number.

Section 213A(i) of the Immigration and Nationality Act requires that your U.S. Social Security Number must be included on this Form I-864. If you do not have a U.S. Social Security Number, you must obtain one before submitting this Form I-864. If you do not provide this information, USCIS cannot accept this Form I-864, and the intending immigrant may not be able to immigrate to the United States. Your U.S. Social Security Number may be used to verify, and if necessary, to enforce, your obligations under the Form I-864.

5. Item Number 11.a. - 11.c. Citizenship/Residency.

Proof of U.S. citizen, national, or permanent resident status is required for joint and substitute sponsors and for relatives of employment-based immigrants who file this form. Petitioning relatives who have already filed proof of their

citizenship or immigration status with Form I-129F, Form I-130, Form I-600 and Form I-600A do not need to submit proof of their status with this form.

Proof of U.S. citizen or national status includes a copy of your birth certificate, certificate of naturalization, certificate of citizenship, consular report of birth abroad to citizen parents, or a copy of the biographic data page of your U.S. passport.

Proof of permanent resident status includes a photocopy of both sides of the "green card," Form I-551, Alien Registration Receipt Card/Permanent Resident Card; or a photocopy of an unexpired temporary I-551 stamp in either a foreign passport or a DHS Form I-94, Arrival/Departure Document.

6. Item Number 12. Military Service.

Check "yes" if you are the petitioning sponsor and on active duty in the U.S. Army, Marines, Navy, Air Force, or Coast Guard, other than for training. If you provide evidence that you are currently on

active duty in the military and you are petitioning for your spouse or minor child, you will need to demonstrate income at only 100 percent of the poverty level for your household size, instead of at 125 percent of the poverty level. (See Form I-864P, Poverty Guidelines, for information on the poverty levels.) Check "no" if you are not on active duty in the U.S. military. This provision does not apply to joint and substitute sponsors.

[Page 5]

Part 5. Sponsor's Household Size.

This section asks you to add together the number of persons for whom you are financially responsible. Some of these persons may not be residing with you. Make sure you do not count any individual more than once, since in some cases the same person could fit into two categories. For example, your spouse (whom you would enter on **Item Number 3**, might also be a lawful permanent resident whom you have already sponsored using Form I-864 (**Item Number 6**). If you included your spouse on **Item Number 3**, do not include him or her again on **Item Number 6**.

1. Item Number 4. Enter the number of unmarried children you have who are under age 21, even if you do not have legal custody of these children. You may exclude any unmarried children under 21, if these children have reached majority under the law of their place of domicile and you do not claim them as dependents on your income tax returns.

	<p>2. Item Number 5. Enter the number of any other dependents. You must include each and every person whom you have claimed as a dependent on your most recent Federal income tax return, even if that person is not related to you. Even if you are not <i>legally obligated</i> to support that person, you must include the person if in fact you did support that person and claimed the person as a dependent.</p> <p>3. Item Number 6. Enter the number of lawful permanent residents whom you are currently obligated to support based on your previous submission of Form I-864 as a petitioning, substitute, or joint sponsor, or of Form I-864EZ as a petitioning sponsor. Include only those persons who have already immigrated to the United States. Do not include anyone for whom your obligation to support has ended through the sponsored immigrant's acquisition of U.S. citizenship, death, abandonment of lawful permanent residence in the United States, acquisition of 40 quarters of earned or credited work in the United States, or obtaining a new grant of adjustment of status while in removal proceedings based on a new affidavit of support, if one is required.</p> <p>4. Item Number 7. This question gives you the option of including certain other non-dependent relatives who are living in your residence as part of your household size. Such relatives may include your mother, father, sister, brother or adult children, if they are living in your residence. However, the only reason to include these family members in your household size is if you need to include their income when you calculate your household income for purposes of meeting the income requirement for this form. To be considered, any relative indicated in this category must sign and submit Form I-864A.</p>	
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Part 6. Sponsor's Income and Employment.

1. - 4. Job Classification.

Check the **Item Number 1. - 4.** that applies to you and provide the requested information.

5. Current Individual Annual Income.

Enter your current individual earned or retirement annual income that you are using to meet the requirements of this form and indicate the total on this line.

You may include evidence supporting your claim about your expected income for the current year if you believe that submitting this evidence will help you establish ability to maintain sufficient income. **You are not required to submit this evidence, however, unless specifically instructed to do so by a Government official.** For example, you may include a recent letter from your employer, showing your employer's address and telephone number, and indicating your annual salary. You may also provide pay stub(s) showing your income for the previous 6 months. If your claimed income includes alimony, child support, dividend or interest income, or income from any other source, you may also include evidence of that income.

6. Annual Household Income.

This section is used to determine the sponsor's household income. Take your annual individual income from **Item Number 5.** and enter it on **Item Number 6.c.** If this amount is greater than 125 percent (or 100 percent if you are on active duty in the U.S. military and sponsoring your spouse or child) of the Federal Poverty Guidelines for your household size from **Part 5., Item Number 8.**, you do not

need to include any household member's income. See Form I-864P for reference on the Poverty Guidelines.

[Page 6]

To determine the filing requirements for your relatives included in **Part 6, Item Number 7. - 10.**, follow these instructions:

a. If you included the income of your spouse listed in **Part 5, Item Number 3.**, or any **child** listed in **Part 5., Item Number 4.**, or any **dependent** listed in **Part 5., Item Number 5.**, or any other relative listed in **Part 5., Item Number 7.**, each one of these individuals must be over 18 years of age and must complete Form I-864A.

b. If you included the income of the intending immigrant who is your spouse (he or she would be counted on **Item Number 7. of Part 5.**), evidence that his/her income will continue from the current source after obtaining lawful permanent resident status must be provided. He/she does not need to complete Form I-864A unless he/she has accompanying children.

c. If you included the income of the intending immigrant who is not your spouse, (he or she would be counted on **Item Number 1. of Part 5.**), evidence that his or her income will continue from the current source after obtaining lawful permanent resident status must be provided and the intending immigrant must provide evidence that he/she is living in your residence. He or she does not need to complete Form I-864A, Contract Between Sponsor and Household Member, unless he or she has an accompanying spouse or children.

7. Item Number 14. Federal Income Tax Information.

You must provide either an IRS transcript or a photocopy from your own records of

your Federal individual income tax return for the most recent tax year. If you believe additional returns may help you to establish your ability to maintain sufficient income, you may submit transcripts or photocopies of your Federal individual income tax returns for the three most recent years.

You are not required to have the IRS certify the transcript or photocopy unless specifically instructed to do so by a Government official; a plain transcript or photocopy is acceptable. Telefile tax records are not acceptable proof of filing.

Do not submit copies of your State income tax returns. **Do not** submit any tax returns that you filed with any foreign government unless you claim that you were not required to file a Federal tax return with the United States government and you wish to rely on the foreign return solely to establish the amount of your income that is not subject to tax in the United States.

If you provide a photocopy of your tax return(s), you must include a copy of each and every Form W-2 and Form 1099 that relates to your return(s). Do not include copies of these Forms if you provide an IRS transcript of your return(s) rather than a photocopy.

If you checked **Item Number 2**, in **Part 6**,(self-employed), you should have completed one of the following forms with your Federal income tax return: Schedule C (Profit or Loss from Business), Schedule D (Capital Gains), Schedule E (Supplemental Income or Loss) or Schedule F (Profit or Loss from Farming). You must include each and every Form 1040 Schedule, if any, that you filed with your Federal tax return.

If you were required to file a Federal income tax return during any of the

previous three tax years but did not do so, you must file any and all late returns with IRS and attach an IRS-generated tax return transcript documenting your late filing before submitting the I-864 Affidavit of Support. If you were not required to file a Federal income tax return under U.S. tax law because your income was too low, attach a written explanation. If you were not required to file a Federal income tax return under U.S. tax law for any other reason, attach a written explanation including evidence of the exemption and how you are subject to it. Residence outside of the United States does not exempt U.S. citizens or lawful permanent residents from filing a U.S. Federal income tax return. See "Filing Requirements" in the IRS Form 1040 Filing Instructions to determine whether you were required to file.

For purposes of this affidavit, the line for gross (total) income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040 EZ, the line for adjusted gross income will be considered.

Obtaining Tax Transcripts. You may use Internal Revenue Service (IRS) Form 4506-T to request tax transcripts from the IRS. Complete IRS Form 4506-T with the ending date for each of your three most recent tax years listed on **Item Number 9**. Follow all instructions for completing and filing Form 4506-T with the IRS.

[Page 7]

Part 7. Use of Assets to Supplement Income.

Only complete this Part if you need to use the value of assets to meet the income requirements. If your Total Household

Income (indicated on **Item Number 10. of Part 6.**) is equal to or more than needed to meet the income requirement as shown by the current Poverty Guidelines (Form I-864P) for your household size (indicated on **Item Number 8. of Part 5.**), you do not need to complete this Part. If your total household income does not meet the requirement, you may submit evidence of the value of your assets, the sponsored immigrant's assets, and/or assets of a household member that can be used, if necessary, for the support of the intending immigrant(s). The value of assets of all of these persons may be combined in order to meet the necessary requirement.

Only assets that can be converted into cash within one year and without considerable hardship or financial loss to the owner may be included. The owner of the asset must include a description of the asset, proof of ownership, and the basis for the owner's claim of its net cash value.

You may include the net value of your home as an asset. The net value of the home is the appraised value of the home, minus the sum of any and all loans secured by a mortgage, trust deed, or other lien on the home. If you wish to include the net value of your home, this, you must include documentation demonstrating that you own it, a recent appraisal by a licensed appraiser, and evidence of the amount of any and all loans secured by a mortgage, trust deed, or other lien on the home. You may not include the net value of an automobile unless you show that you have more than one automobile, and at least one automobile is not included as an asset.

1. - 4. Assets.

To use your own assets, you must complete **Part 7, Item Number 1. - 4.** and submit corresponding evidence with this form. Supporting evidence must be attached to establish location, ownership, date of acquisition, and value of any real estate holding.

5. Household Member's Assets.

To use the assets of a relative (spouse, adult son or daughter, parent or sibling), the relative must reside with you and have completed a Form I-864A, Contract Between Sponsor and Household Member, with accompanying evidence of assets. The Form I-864A and accompanying evidence of assets is submitted with Form I-864. You may use the assets of more than one relative who resides with you so long as you submit a complete Form I-864A with evidence of assets for each such relative.

6. - 8. Assets of the Intending Immigrant.

You may use the assets of the intending immigrant regardless of where he or she resides. The intending immigrant must provide evidence of such assets with this form. Form I-864A is not required to document the intending immigrant's assets.

9. Total Value of Item Numbers 6. - 8. of Part 7. Enter the number in this field.

10. Total Value of Assets.

In order to qualify based on the value of your assets, the total value of your assets must equal at least five times the difference between your total household income and the current poverty guidelines for your household size. However, if you are a U.S. citizen and you are sponsoring your spouse or minor child, the total value of your assets must only be equal to at least three times the difference. If the intending immigrant is an alien orphan who will be adopted in the United States after the alien orphan acquires permanent residence, and who will, as a result, acquire citizenship under section 320 of the Act, the total value of your assets need only equal the difference.

Example of How to Use Assets: If you are petitioning for a parent and the poverty line for your household size is \$22,062 and your current income is \$18,062, the difference between your current income and the

poverty line is \$4,000. In order for assets to help you qualify, the combination of your assets, plus the assets of any household member who is signing Form I-864A, plus any available assets of the sponsored immigrant, would have to equal five times this difference (5 x \$4,000). In this case, you would meet the income requirements if the net value of the assets equaled at least \$20,000.

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Part 8. Sponsor's Contact Information.

Read the contract carefully, print your name, and then sign and date the form. **If you do not print your name and sign and date the form, the intending immigrant you are sponsoring cannot be issued a visa or be granted adjustment of status.**

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**Pages 8-10,
Specific Requirements**

[Page 8]

Specific Requirements

1. Who Completes and Signs Form I-864?

A sponsor completes and signs Form I-864. A sponsor is required to be at least 18 years old and domiciled in the United States, or its territories or possessions (see **Part 4, Information on the Sponsor, Item Number 5.** of these instructions for more information on domicile). The petitioning sponsor must sign and complete Form I-864, even if a joint sponsor also submits an I-864 to meet the income requirement. The list below identifies who must become sponsors by completing and signing a Form I-864.

a. The U.S. citizen or lawful permanent resident who filed a Form I-129F, Petition for Alien Fiance(e), for a fiance(e), Form I-130, Petition for Alien Relative, for a family member; Form I-600, Petition to Classify Orphan as an Immediate Relative, or Form I-600A, Application for Advance Processing of Orphan Petition, for an orphan.

b. The U.S. citizen or permanent resident alien who filed a Form I-140, Immigrant Petition for Alien Worker, for a spouse, parent, son, daughter, or sibling who: **(1)** has a significant ownership interest (5 percent or more) in the business which files the employment-based immigrant visa petition; or **(2)** is related to the intending immigrant as a spouse, parent, son, daughter, or sibling.

2. What Are the Income Requirements?

To qualify as a sponsor, you must demonstrate that your income is at least 125 percent of the current Federal poverty guideline for your household size. The Federal poverty line, for purposes of this form, is updated annually and can be found on Form I-864P, Poverty Guidelines, on the

USCIS Web site at www.uscis.gov.
If you are on active duty in the U.S. Armed Forces, including the Army, Marines Navy, Air Force or Coast Guard, and you are sponsoring your spouse or minor child, you only need to have an income of 100 percent of the Federal poverty line for your household size. This provision does not apply to joint or substitute sponsors.

3. How Do I Count Household Size?

Your household size includes yourself and the following individuals, no matter where they live: any spouse, any dependent children under the age of 21, any other dependents listed on your most recent Federal income tax return, all persons being sponsored in this affidavit of support, and any immigrants previously sponsored with a Form I-864 or Form I-864 EZ, Affidavit of Support Under Section 213A of the Act, whom you are still obligated to support. If necessary to meet the income requirements to be a sponsor, you may include additional relatives (adult children, parents, or siblings) as part of your household size as long as they have the same principle residence as you and promise to use their income and resources in support of the intending immigrant(s).

4. What If I Cannot Meet the Income Requirements?

If your income alone is not sufficient to meet the requirement for your household size, the intending immigrant will be ineligible for an immigrant visa or adjustment of status, unless the requirement can be met using any combination of the following:

- a. Income from any relatives or dependents living in your household or dependents listed on your most recent Federal tax return who signed a Form I-864A, Contract Between Sponsor and Household Member.
- b. Income from the intending immigrant, if that income will continue from the same

source after immigration, and if the intending immigrant is currently living in your residence. If the intending immigrant is your spouse, his or her income can be counted regardless of current residence, but it must continue from the same source after he or she becomes a lawful permanent resident;

c. The value of your assets, the assets of any household member who has signed a Form I-864A, or the assets of the intending immigrant;

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d. A joint sponsor whose income and/or assets equal at least 125 percent of the Poverty Guidelines. See section **9., What Is a Joint Sponsor**, for more information on joint sponsors.

5. How Can My Relatives and Dependents Help Me Meet the Income Requirements?

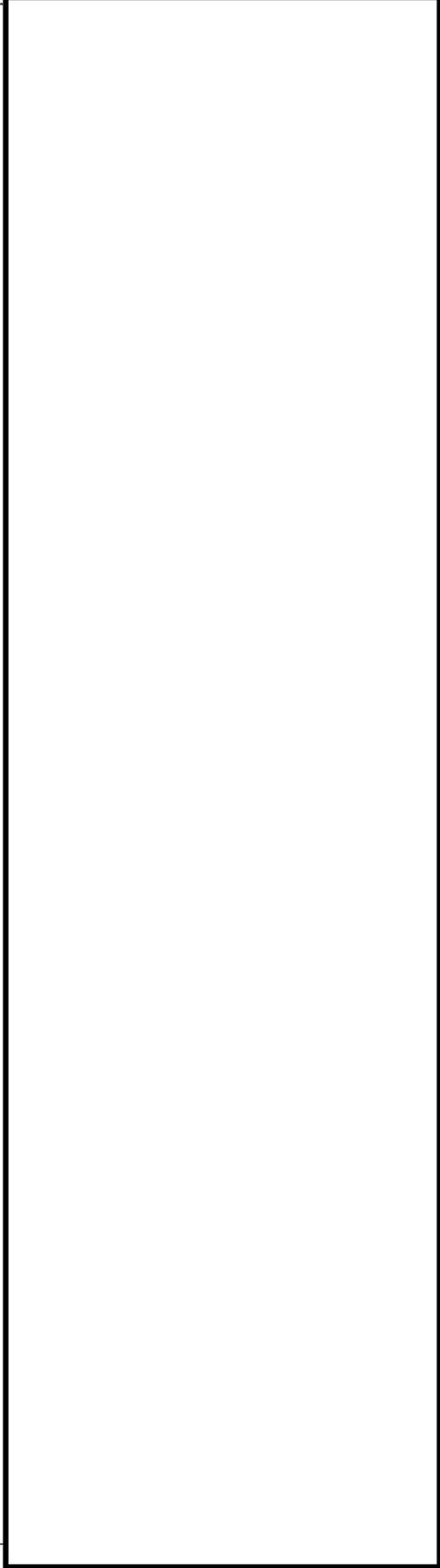
You may use the income of your spouse and/or any other relatives living in your residence if they are willing to be jointly responsible with you for the intending immigrant(s) you are sponsoring. If you have any unrelated dependents listed on your income tax return you may include their income regardless of where they reside.

The income of such household members and dependents can be used to help you meet the income requirements if they complete and sign Form I-864A, Contract Between Sponsor and Household Member, and if they are at least 18 years of age when they sign the form.

6. Can the Intending Immigrant Help Me Meet the Income Requirements?

If certain conditions are met, the intending immigrant's income can help you meet the income requirement. If the intending immigrant is your spouse, his or her income can be included if it will continue from the same source after he or she obtains lawful permanent resident status. If the intending immigrant is another relative, there are 2

	<p>requirements.</p> <p>First, the income must be continuing from the same source after he or she obtains lawful permanent resident status, and second, the intending immigrant must currently live with you in your residence. Evidence must be provided to support both requirements.</p> <p>However, an intending immigrant whose income is being used to meet the income requirement does not need to complete Form I-864A, Contract Between Sponsor and Household Member, unless the intending immigrant has a spouse and/or children immigrating with him or her. In this instance, the contract relates to support for the spouse and/or children.</p> <p>7. Does Receipt of Means-Tested Public Benefits Disqualify Me From being a Sponsor?</p> <p>No. Receipt of means-tested public benefits does not disqualify anyone from being a sponsor. However, means-tested public benefits cannot be accepted as income for the purposes of meeting the income requirement.</p> <p>8. How Can I Use Assets to Qualify?</p> <p>Assets may supplement income if the consular or immigration officer is convinced that the monetary value of the asset could reasonably be made available to support the sponsored immigrant and converted to cash within one year without undue harm to the sponsor or his or her family members. You may not include an automobile unless you show that you own at least one working automobile that you have not included.</p> <p>9. What Is a Joint Sponsor?</p> <p>If the person who is seeking the</p>
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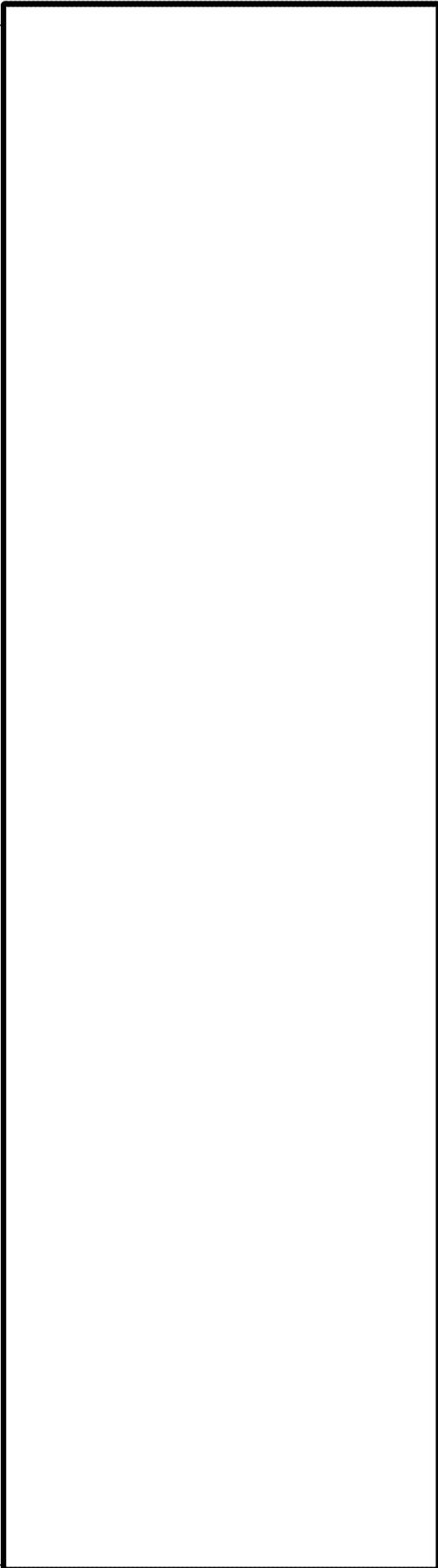


immigration of one or more of his or her relatives cannot meet the income requirements, a "joint sponsor" who can meet the requirements may submit a Form I-864 to sponsor all or some of the family members.

A joint sponsor can be any U.S. citizen, U.S. national, or lawful permanent resident who is at least 18 years old, domiciled in the United States, or its territories or possessions, and willing to be held jointly liable with the petitioner for the support of the intending immigrant. A joint sponsor does not have to be related to the petitioning sponsor or the intending immigrant.

If the first joint sponsor completes Form I-864 for some rather than all the family members, a second qualifying joint sponsor will be required to sponsor the remaining family members. There may be no more than two joint sponsors. A joint sponsor must be able to meet the income requirements for all the persons he or she is sponsoring without combining resources with the petitioning sponsor or a second joint sponsor. Any dependents applying for an immigrant visa or adjustment of status more than 6 months after immigration of the intending immigrants must be sponsored by the petitioner but may be sponsored by an original joint sponsor or a different joint sponsor.

Even if one or more Form I-864s are submitted for an intending immigrant, the petitioning sponsor remains legally accountable for the financial support of the sponsored alien along with the joint sponsor(s).



[Page 10]

10. What Is a Substitute Sponsor?

A substitute sponsor is a sponsor who is completing a Form I-864 on behalf of an intending immigrant whose original Form I-130 petitioner has died after the Form I-130 was approved, but before the intending immigrant obtained permanent residence.

The substitute sponsor must be related to the intending immigrant in one of the following ways: spouse, parent, mother-in-law, father-in-law, sibling, child (at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild or legal guardian. The substitute sponsor must also be a U.S. citizen or lawful permanent resident.

If you are a substitute sponsor, you must indicate that that you are related to the intending immigrant in one of the ways listed above and include evidence proving that relationship. The beneficiary must also file this form along with a written statement explaining the reasons why the Form I-130 visa petition should be reinstated, having been revoked following the petitioner's death. The beneficiary must also include a copy of the Form I-130 approval notice.

11. How Long Does My Obligation as a Sponsor Continue?

Your obligation to support the immigrant(s) you are sponsoring in this affidavit of support will continue until the sponsored immigrant becomes a U.S. citizen, or can be credited with 40 qualifying quarters of work in the United States.

Although 40 qualifying quarters of work (credits) generally equate to 10 years of work, in certain cases the work of a spouse or parent adds qualifying quarters. The Social Security Administration can provide information on how to count qualifying quarters (credits) of work.

	<p>The obligation also ends if you or the sponsored immigrant dies or if the sponsored immigrant ceases to be a lawful permanent resident and departs the United States. Divorce does not end the sponsorship obligation.</p> <p>12. Do I Need to Submit a Separate Affidavit for Each Family Member?</p> <p>You must submit a Form I-864 affidavit of support for each intending immigrant you are sponsoring. You may submit photocopies if you are sponsoring more than one intending immigrant listed on the same affidavit of support. Separate affidavits of support are required for intending immigrants for whom different Form I-130 family-based petitions were filed. For instance, if you are sponsoring both parents, each will need an original affidavit of support and accompanying documentation since you were required to submit separate Form I-130 visa petitions for each parent. Often a spouse or minor children obtain visas or adjust status as dependents of a relative, based on the same visa petition. If you are sponsoring such dependents, you only need to provide a photocopy of the original Form I-864, as long as these dependents are immigrating at the same time as the principal immigrant or within 6 months of the time he or she immigrates to the United States. You do not need to provide copies of the supporting documents for each of the photocopied Forms I-864.</p>
New	
Page 10, Where to File?	[Page 10] Where to File?

	<p>Please see the USCIS Web site at www.uscis.gov/I-864 or call the USCIS National Customer Service Center at 1-800-375-5283 for the most current information about where to file this benefit request. For TDD (hearing impaired) call: 1-800-767-1833.</p>
<p>Pages 10-11, Address Changes</p>	<p>[Page 10]</p> <p>Address Changes</p> <p>If you have changed your address, you must inform USCIS of your new address within 30 days of the change. To do this, you must complete and file a Form I-865, Sponsor's Change of Address. For information on filing Form I-865, go to the USCIS Web site at www.uscis.gov/I-865 or contact the National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.</p> <p>Note: Do not complete Form I-865 at the same time that you complete the Form I-864. You should complete and submit Form I-865 to USCIS only when the address you indicated on the original Form I-864 has changed.</p> <p>[Page 11]</p> <p>This requirement does not relieve a lawful permanent resident sponsor from filing a change of address within 10 days of the change. For information on filing a change of address, go to the USCIS Web site at www.uscis.gov/addresschange or contact the National Customer Service Center at 1-800-375-5283.</p> <p>Do not send your change of address form to a Lockbox facility because the USCIS Lockbox facilities do not process change of address requests.</p>

New

**Page 11,
USCIS Forms and
Information**

[Page 11]

USCIS Forms and Information

To ensure you are using the latest version of this form, visit the USCIS Web site at **www.uscis.gov** where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by telephoning our USCIS National Customer Service Center at **1-800-375-5283**. For TDD (hearing impaired) call: **1-800-767-1833**.

As an alternative to waiting in line for assistance at your local USCIS office, you

	<p>can now schedule an appointment through our Internet-based system, InfoPass. To access the system, visit the USCIS Web site. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen.</p>
<p>Page 11, Penalties</p>	<p>[Page 11]</p> <p>Penalties</p> <p>The Government may pursue verification of any information provided on or in support of this form, including employment, income, or assets with the employer, financial or other institutions, the Internal Revenue Service, or the Social Security Administration. If you include in this affidavit of support any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.</p> <p>If you fail to give notice of your change of address, as required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3, you may be liable for the civil penalty established by 8 U.S.C. 1183a(d)(2). The amount of the civil penalty will depend on whether you failed to give this notice because you were aware that the immigrant(s) you sponsored had received Federal, State, or local means-tested public benefits.</p> <p>If the failure to report your change of address occurs with knowledge that the sponsored immigrant received means-tested public benefits (other than benefits described in section 401(b), 403(c)(2), or 411(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which are summarized in the contract in Part 8) such failure may result in a fine of not less than \$2,000 or more than</p>

	<p>\$5,000. Otherwise, the failure to report your change of address may result in a fine not less than \$250 or more than \$2,000.</p>	
<p>Pages 11-12, USCIS Privacy Act Statement</p>	<p>[Page 11]</p> <p>USCIS Privacy Act Statement</p> <p>AUTHORITIES: The information requested on this benefit application, and the associated evidence, is collected pursuant to Section 213A(i) of the Immigration and Nationality Act, as amended.</p> <p>PURPOSE: The primary purpose for providing the requested information on this corresponding benefit application is to show that the applying immigrant has enough financial support to live without concern of becoming reliant on U.S. government welfare.</p> <p>DISCLOSURE: Section 213A(i) of the Immigration and Nationality Act requires the collection of your Social Security number. Failure to provide the requested information, and any requested evidence, may prevent USCIS from accepting and approving this application, and the intending immigrant may not be able to immigrate to the United States.</p> <p>[Page 12]</p> <p>ROUTINE USES: The information you provide on this benefit application may be shared with other federal, state, local, and foreign government agencies and authorized organizations in accordance with approved routine uses, as described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File (A-File) and Central Index System (CIS), which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate</p>	

	<p>for law enforcement purposes or in the interest of national security.</p> <p>The information may also, as a matter of routine use, be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration consistent with the consent signed as part of the contract in Part 8. of the Form I-864.</p>	
<p>Page 12, Paperwork Reduction Act</p>	<p>[Page 12]</p> <p>Paperwork Reduction Act</p> <p>An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 6 hours per form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140. OMB No. 1615-0075. Do not mail your completed Form I-864 affidavit to this address.</p>	
<p>Page 13, Check List</p>	<p>[Page 13]</p> <p>Check List</p> <p>The following items must be submitted with Form I-864:</p> <p>For ALL sponsors:</p> <p>A copy of your individual Federal income</p>	

tax return, including W-2s for the most recent tax year, or a statement and/or evidence describing why you were not required to file. Also include a copy of each and every Form 1099, Schedule, and any other evidence of reported income. You may submit this information for the most recent 3 tax years, pay stub(s) from the most recent 6 months, and/or a letter from your employer if you believe any of these items will help you qualify.

For SOME sponsors:

If you are currently self-employed, a copy of your Schedule C, D, E or F from your most recent Federal Tax Return which establishes your income from your business.

If you are sponsoring more than one intending immigrant listed on the same affidavit of support, **photocopies of the original affidavit of support** may be submitted for any additional intending immigrants listed. Copies of supporting documentation are not required for these family members.

If you are the petitioning sponsor and on active duty in the U.S. Armed Forces and are sponsoring your spouse or child using 100 percent of governing poverty guideline, **proof of your active military status**.

If you are using the income of persons in your household or dependents to qualify,

A separate **Form I-864A** for each person whose income you will use. However, an intending immigrant whose income is being used needs to complete Form I-864A only if his or her spouse and/or children are immigrating with him or her.

Proof of their **residency in your household and relationship** to you if they are not the intending immigrants or are not listed as dependents on your Federal income tax return for the most recent tax year.

Proof that the intending immigrant's current employment **will continue from the same source** if his or her income is being used.

	<p>A copy of their individual Federal income tax return, including W-2s and 1099s, for the most recent tax year, or evidence that they were not required to file. You may submit this information for the most recent 3 years if you believe it will help you qualify.</p> <p>If you use your assets or the assets of a household member to qualify,</p> <p>Documentation of assets establishing location, ownership, date of acquisition and value. Evidence of any liens or liabilities against these assets.</p> <p>A separate Form I-864A for each household member using assets other than for the intending immigrant.</p> <p>If you are a joint sponsor, substitute sponsor, or the relative of an employment-based immigrant requiring an affidavit of support, proof of your citizenship status, U.S. national status or lawful permanent resident status.</p> <p>For U.S. citizens or nationals, a copy of your birth certificate, passport, or certificate of naturalization or citizenship.</p> <p>For lawful permanent residents, a copy of both sides of your Form I-551, Permanent Resident Card.</p>	
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Form I-864A, Form TOC
Contract Between Sponsor and Household Member
OMB Number: 1615-0075
Date: 5/04/2015

(b)(5)

Reason for Revision: Updates to format and standard language, and edits provided by subject matter experts.

Location	Current Text	Proposed Text
<p>Page 1, Part 1. Information on the Household Member. (You)</p>	<p>1. Name Last Name First Name Middle Name</p> <p>2. Mailing Address</p> <p>Street Number and Name (include apartment number) City State or Province Zip/Postal Code</p> <p>Country</p> <p>3. Place of Residence (<i>if different from mailing address</i>) Street Number and Name (include apartment number) City State or Province Zip/Postal Code</p> <p>Country</p> <p>4. Telephone Number (<i>Include area code or country and city codes</i>)</p>	<div style="border: 2px solid black; height: 500px; width: 100%;"></div>

	<p>5. Date of Birth (<i>mm/dd/yyyy</i>)</p> <p>6. Place of Birth City State/Province Country</p> <p>7. U.S. Social Security Number (<i>if any</i>)</p>	
<p>Page 1, Part 1. Information on the Household Member. (You)</p>	<p>8. Relationship to Sponsor(check either a, b or c)</p> <p>a. I am the intending immigrant and also the sponsor's spouse.</p> <p>b. I am the intending immigrant and also a member of the sponsor's household.</p> <p>c. I am not the intending immigrant. I am the sponsor's household member. I am related the sponsor as his/her.</p> <p>Spouse Son or daughter (<i>at least 18 years old</i>) Parent Brother or sister Other dependent (<i>specify</i>)</p>	
<p>Page 1, Part 1. Information on the Household Member. (You)</p>	<p>9. I am currently:</p> <p>a. Employed as a/an [Fillable Field] Name of Employer No. 1 (<i>if applicable</i>) Name of Employer No. 2 (if applicable)</p> <p>b. Self-employed as a/an [Fillable Field]</p> <p>c. Retired from [Fillable Field] (<i>Company Name</i>) since [Fillable Field] (<i>mm/dd/yyyy</i>)</p>	

	<p>d. Unemployed since [Fillable Field] (mm/dd/yyyy)</p> <p>10. My current individual annual income is: [Fillable Field]</p>								
<p>Page 1, Part 1. Information on the Household Member. (You)</p>	<p>11. Federal income tax information</p> <p>I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for only the most recent tax year.</p> <p>My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal tax returns for the most recent three years was:</p> <table border="0"><thead><tr><th>Tax Year</th><th>Total Income</th></tr></thead><tbody><tr><td>[Fillable Field] (most recent)</td><td>[Fillable Field]</td></tr><tr><td>[Fillable Field] (2nd most recent)</td><td>[Fillable Field]</td></tr><tr><td>[Fillable Field] (3rd most recent)</td><td>[Fillable Field]</td></tr></tbody></table> <p><i>(Optional)</i> I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.</p> <p>12. My assets (complete only if necessary).</p> <p>a. Enter the balance of all cash, savings, and checking accounts.</p> <p>b. Enter the net cash value of real-estate holdings. (Net means assessed value minus mortgage debt.)</p> <p>c. Enter the cash value of all stocks, bonds, certificates of deposit, and other assets not listed on line a or b.</p> <p>d. Add together Lines a, b, and c and enter the number here.</p>		Tax Year	Total Income	[Fillable Field] (most recent)	[Fillable Field]	[Fillable Field] (2 nd most recent)	[Fillable Field]	[Fillable Field] (3 rd most recent)
Tax Year	Total Income								
[Fillable Field] (most recent)	[Fillable Field]								
[Fillable Field] (2 nd most recent)	[Fillable Field]								
[Fillable Field] (3 rd most recent)	[Fillable Field]								

**Page 2,
Part 2.
Sponsor's
Promise.**

13. **I, THE SPONSOR,** [Fillable Field]
(*Print Name*) in consideration of the household member's promise to support the following intending immigrant(s) and to be jointly and severally liable for any obligations I incur under the affidavit of support, promise to complete and file an affidavit of support on behalf of the following [Fillable Field] named intending (*Indicate Number*) immigrant(s) (see Step-by-Step instructions).

Name

Date of Birth (mm/dd/yyyy)
A-number (*if any*)
U.S. Social Security Number (*if any*)

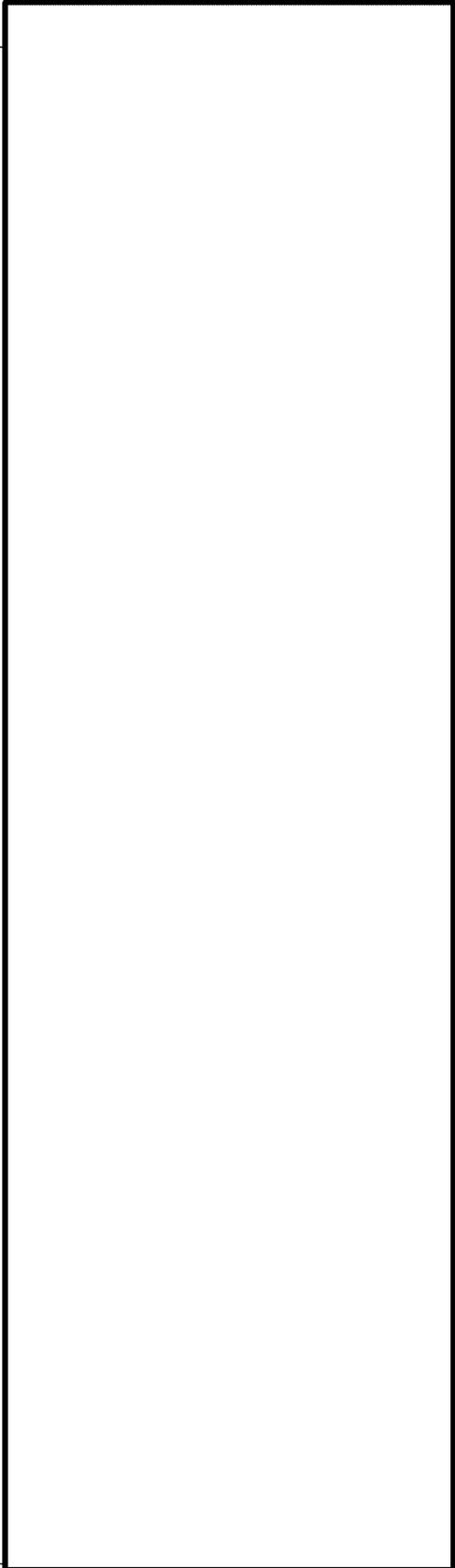
Name

Date of Birth (mm/dd/yyyy)
A-number (*if any*)
U.S. Social Security Number (*if any*)

Name

Date of Birth (mm/dd/yyyy)
A-number (*if any*)
U.S. Social Security Number (*if any*)

Name



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	<p>Date of Birth (mm/dd/yyyy) A-number (if any) U.S. Social Security Number (if any)</p> <p>Name</p> <p>Date of Birth (mm/dd/yyyy) A-number (if any) U.S. Social Security Number (if any)</p>	
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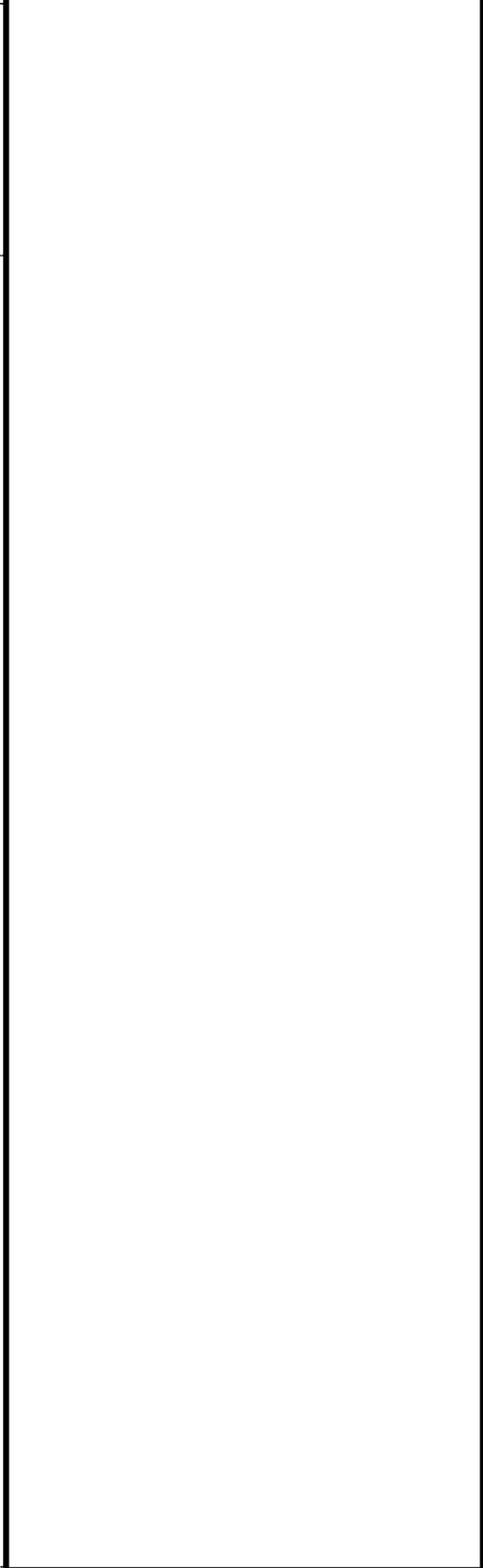
	<p>2. <i>(Sponsor's Signature)</i> <i>(Date--mm/dd/yyyy)</i></p>	
<p>Page 3, Part 3. Household Member's Promise</p>	<p>15. I, THE HOUSEHOLD MEMBER, <i>(Print Name)</i> in consideration of the sponsor's promise to complete and file an affidavit of support on behalf of the above [Fillable Field] named intending immigrant(s): (Number from line 13)</p> <p>a. Promise to provide any and all financial support necessary to assist the sponsor in maintaining the sponsored immigrant(s) at or above the minimum income provided for in section 213A(a)(1)(A) of the Act (not less than 125 percent of the Federal Poverty Guidelines) during the period in which the affidavit of support is enforceable;</p> <p>b. Agree to be jointly and severally liable for payment of any and all obligations owed by</p>	

	<p>the sponsor under the affidavit of support to the sponsored immigrant(s), to any agency of the Federal Government, to any agency of a State or local government, or to any other private entity that provides means-tested public benefit;</p> <p>c. Certify under penalty under the laws of the United States that all the information provided on this form is true and correct to the best of my knowledge and belief and that the Federal income tax returns submitted in support of the contract are true copies or unaltered tax transcripts filed with the Internal Revenue Service.</p> <p>d. Consideration where the household member is also the sponsored immigrant: I understand that if I am the sponsored immigrant and a member of the sponsor's household that this promise relates only to my promise to be jointly and severally liable for any obligation owed by the sponsor under the affidavit of support to any of my dependents, to any agency of the Federal Government, to any agency of a State or local government, and to provide any and all financial support necessary to assist the sponsor in maintaining any of my dependents at or above the minimum income provided for in section 213A(s)(1)(A) of the Act (not less than 125 percent of the Federal poverty line) during the period which the affidavit of support is enforceable.</p> <p>e. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.</p>	
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	<p>16.(Household Member's Signature) <i>(Date-mm/dd/yyyy)</i></p>	
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Form I-864A, Instruction TOC
Contract Between Sponsor and Household Member
OMB Number: 1615-0075
Date: 5/04/2015

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Reason for Revision: Updates to format, standard language, and edits provided by subject matter experts.

Location	Current Text	Proposed Text
<p>Page 1, How Should I Complete This Form?</p>	<ul style="list-style-type: none"> • Print clearly or type your answers using CAPITAL letters. • Use black ink. • If you need extra space to answer any item: --Attach a separate sheet of paper (or more sheets if necessary); --Write your name, U.S. Social Security number and the words "Form I-864A" on the top right corner of the sheet; and --Write the number and subject of each question for which you are providing additional information. 	
<p>Page 1, What Is This Form?</p>	<p>Form I-864A, Contract Between Sponsor and Household Member, is an attachment to Form I-864, Affidavit of Support Under Section 213A of the Immigration and Nationality Act. It is an optional form, completed and signed by two individuals: a sponsor who is completing Form I-864, and a household member who is promising to make his or her income and/or assets available to the sponsor to help support the sponsored immigrant(s). The combined signing of this form constitutes an agreement that the household member is responsible along with the sponsor for the support of the individual(s) named in this form.</p> <p>A separate Form I-864A must be used for each household member whose income and/or assets are being used by a sponsor to qualify. This form must be submitted simultaneously with Form I-</p>	

	<p>864.</p> <p>Form I-864A may only be used when a sponsor's income and assets do not meet the income requirements of Form I-864 and the qualifying household member chooses to combine his or her resources with the income and/or assets of a sponsor to meet the requirements. The obligations of the household member under this contract terminate when the obligations of the sponsor under the Affidavit of Support terminate.</p> <p>For additional information, see section 213A of the Immigration and Nationality Act, and part 213a of title 8 of the Code of Federal Regulations. For more information about Form I-864, or to obtain related forms please contact:</p> <ul style="list-style-type: none">• The USCIS website (www.uscis.gov);• The National Customer Service Center (NCSC) telephone line at 1-800-375-5283 For TDD (hearing impaired) call: 1-800-767-1833; or• Your local USCIS office by using InfoPass.	
<p>Page 1, What Is a Sponsor?</p>	<p>A "sponsor" is a person, either the petitioning relative, a relative with a significant ownership interest in the petitioning entity, a substitute in the case of a deceased petitioner, or another person accepting joint and several liability with the sponsor, who completes and files Form I-864, Affidavit of Support under Section 213A of the Act on behalf of an intending immigrant. A sponsor must be an individual and may not be an enterprise, a business, or any other type of organization.</p>	

Page 1, Who May Be Considered a “Household Member” for Purposes of This Form?	<p>For purposes of this form, a "household member" is:</p> <ul style="list-style-type: none">• A relative who has the same principal residence as the sponsor and is related to the sponsor as a spouse, adult child, parent, or sibling;• A relative or other person whom the sponsor has lawfully claimed as a dependent on the sponsor's most recent Federal income tax return even if that person does not live at the same residence as the sponsor;• The intending immigrant, in certain circumstances. (See "How Can the Intending Immigrant Be Considered a Household Member"?)
Page 1, How Can the Intending Immigrant Be Considered a Household Member?	<p>Listed below are two ways that the intending immigrant may be considered to be a household member for the purposes of pooling income with the sponsor to meet the Affidavit of Support requirements:</p> <ul style="list-style-type: none">• The intending immigrant has the

	<p>same principal residence as the sponsor and the intending immigrant can establish that his or her income will continue from the same source, even after acquisition of permanent residence.</p> <ul style="list-style-type: none">• The intending immigrant is the sponsor's spouse and the intending immigrant can show that his or her income will continue from the same source after acquisition of permanent residence.	
<p>Page 1, Why Does a Household Member Complete This Form?</p>	<p>A household member completes this form if the household member's income and/or assets will be used to demonstrate the sponsor's ability to meet the income requirements and to maintain the sponsored immigrant at an annual income at the level specified in section 213A(f)(1)(E) or 213A(f)(3) of the Act.</p>	
<p>Page 2, If the Intending Immigrant Is a Household Member, Must He or She Complete This Form?</p>	<p>If you are the intending immigrant and the sponsor is including your income on Form I-864 to meet the eligibility requirements, you need to complete this form only if you have accompanying dependents. If you are the intending immigrant and the sponsor is including only your assets on Form I-864, you do not need to complete this form, even if you have accompanying dependents.</p>	

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<p>Page 2, Step-by-Step Instructions.</p> <p>AND</p> <p>Page 3, Part 2. Sponsor's Promise</p> <p>AND</p> <p>Page 3, Part 3. Household Member's Promise</p>	<p>[Page 2]</p> <p>This form is divided into three parts. The sponsor completes Part 2 of this form and gives it to the household member. The household member completes Parts 1 and 3 of this form. The information below gives detailed information on completing this form. The Privacy Act Notice and information on penalties for misrepresentation or fraud are included on the instructions to Form I-864.</p> <p>Part 1. Information on the Household Member.</p>	

8. Household Member's Relationship to the Sponsor.

If you, the household member, are also the sponsored immigrant, check box (a) or (b) as applicable.

If you check box (a) (married to the sponsor), you do not have to reside with the sponsor, but you must provide proof that your income will continue from the same source after immigration. If you check box (b) (not married to the sponsor), you must provide proof that you currently have the same principal residence as the sponsor and that your income will continue from the same source after immigration.

If you are the household member completing this form, but are not the intending immigrant, check box (c), and check the box below that describes your relationship to the sponsor. If you check "dependent," you must be listed as a dependent on the sponsor's most recent Federal tax return. You do not have to provide proof that you have the same principal residence as the sponsor. If you check any other relative except for spouse, you must provide proof of the relationship and that you have the same principal residence as the sponsor.

9. Household Member's Employment.

Check all boxes that apply to you. A sponsor may not rely on a household member's income from illegal activities, such as proceeds from illegal gambling or drug sales, to meet the income requirements, even if the household member paid taxes on that income.

10. Current Individual Annual Income.

Enter your current individual earned or retirement annual income that you are using to meet the requirements of this form and indicate the total on this line.

You may include evidence supporting your claim about your expected income for the current year if you believe that submitting this evidence will help you establish ability to maintain sufficient income. **You are not required to submit this evidence, however, unless specifically instructed to do so by a Government official.** For example, you may include a recent letter from your employer, showing your employer's address and telephone number, and indicating your annual salary. You may also provide pay stub(s) showing your income for the previous six months. If your claimed income includes alimony, child support, dividend or interest income, or income from any other source, you may also include evidence of ability to maintain that income.

11. Household Member's Federal Income Tax Information

You must provide either an IRS transcript or a photocopy from your own records of your Federal individual

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income tax return for the most recent tax year. If you believe additional returns may help you to establish your ability to maintain sufficient income, you may submit transcripts or photocopies of your Federal individual income tax returns for the three most recent years.

You are not required to have the IRS certify the transcript or photocopy unless specifically instructed to do so by a Government official; a plain transcript or photocopy is acceptable. Telefile tax records are not acceptable proof of filing.

Do not submit copies of your State income tax returns. **Do not** submit any tax returns that you filed with any foreign government unless you are claiming that you were not required to file a Federal tax return with the United States government and you wish to rely on the foreign return solely to establish the amount of your income that was not subject to tax in the United States.

If you provide a photocopy of your tax return(s), you must include a copy of each and every Form W-2 and Form 1099 that relates to your return(s). Do not include copies of these Forms if you provide an IRS transcript of your return(s) rather than a photocopy.

If you checked box 9(b) (self-employed), you should have completed one of the following forms with your Federal income tax return: Schedule C (Profit or Loss from Business), Schedule D (Capital Gains), Schedule E (Supplemental Income or Loss) or Schedule F (Profit or Loss from Farming). You must include each and every Form 1040 Schedule, if any, that you filed with your Federal tax return.

If you were required to file a Federal income tax return during any of the previous three tax years but did not do so, you must file any and all late returns with IRS and attach an IRS-generated tax return transcript documenting your late filing before submitting the Form I-864A.

If you were not required to file a Federal income tax return under U.S. tax law because your income was too low, attach a written explanation

If you were not required to file a Federal income tax return under U.S. tax law for any other reason, attach a written explanation including evidence of the exemption and how you qualified for it. Residence outside of the United States does not exempt U.S. citizens or lawful permanent residents from filing a U.S. Federal income tax return. See "Filing Requirements" in the IRS Form 1040 Filing Instructions to determine whether you were required to file.

For purposes of this form, the line for gross (total) income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040 EZ, the line for adjusted gross income will be considered.

Obtaining Tax Transcripts. You may use Internal Revenue Service (IRS) Form 4506-T to request tax transcripts from the IRS. Complete IRS Form 4506-T with the ending date for each of your three most recent tax years listed on line 9. Follow all instructions for completing and filing Form 4506-T with the IRS.

12. Assets.

Complete this item only if the sponsor is using the value of your assets to help meet the requirements of the affidavit of support. If you are using only your income to help the sponsor meet the requirements, do not complete this item.

If you are the intending immigrant and have no accompanying dependents, then do not list your assets on this form. Instead, your assets must be listed on item 24 of Form I-864.

Only assets that can be converted into cash within 1 year and without considerable hardship or financial loss to the owner may be included. The owner of the asset must include a description of the asset, proof of ownership, and the basis for the owner's claim of its net cash value.

You may include the net value of your home as an asset. The net value of the home is the appraised value of the home, minus the sum of any and all loans secured by a mortgage, trust deed, or other lien on the home.

If you wish to include the net value of your home, this, you must include

documentation demonstrating that you own it, a recent appraisal by a licensed appraiser, and evidence of the amount of any and all loans secured by a mortgage, trust deed, or other lien on the home. You may not include the net value an automobile unless you show that you have more than one automobile, and at least one automobile is not included as an asset.

[Page 3]

Part 2. Sponsor's Promise

If the sponsor you are promising to make your income available to is sponsoring the the principal intending immigrant (the sponsor should have "Yes" as his or her answer to item number 8 of his or her Form I-864), you should list the intending immigrant on line "a" of Item 13 and then list on lines "b" through "f" any spouse and any and all children that appear on lines 9a through 9e of the sponsor's Form I-864.

If the sponsor you are promising to make your income available to is not sponsoring the intending immigrant (this should be true only in cases with two joint sponsors, with "No" checked on item 8 of the sponsor's Form I-864), then do not list the intending immigrant on line "a" of Item 13 on this form. Instead, list on lines "a" through "f" any spouse and any and children that appear on lines 9a through 9e of the sponsor's Form I-864.

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Part 3. Household Member's Promise

Read the household member's promise carefully, print your name, and then sign and date the form. **If you do not print your name on line 15 and sign and date the form on line 16, the intending immigrant cannot be issued a visa or be granted adjustment of status based upon the income and/ or assets listed on this form.**

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Page 4, USCIS Forms and Information AND Page 4, Use InfoPass for Appointments	To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at 1-800-870-3676. You

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	<p>may also obtain forms and information by telephoning our USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.</p> <p>As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, InfoPass. To access the system, visit our website at www.uscis.gov. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.</p>
<p>Page 3, Other Information</p> <p>Penalties</p>	<p>The Government may pursue verification of any information provided on or in support of this form, including employment, income, or assets with the employer, financial or other institutions, the Internal Revenue Service, or the Social Security Administration. If you include in this form any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.</p>

<p>Page 4, Privacy Act Notice</p>	<p>Authority for the collection of the information requested on this form is contained in 8 U.S.C. 1182a(4), 1183a, 1184(a), and 1258. The information will be used principally by USCIS, a Consular Officer, or an immigration judge to whom it is furnished, to accompany a sponsor's Form I-864, Affidavit of Support, which supports an alien's application for benefits under the Immigration and Nationality Act, specifically the assertion that he or she has adequate means of financial support and will not become a public charge.</p> <p>Submission of the information is voluntary. Failure to provide the information may result in denial of the application for an immigrant visa or adjustment of status.</p> <p>The information may as a matter of routine use be disclosed to other Federal</p>	

	<p>State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration. It may also be disclosed as a matter of routine use to other Federal, State, local, and foreign law enforcement and regulatory agencies to enable these entities to carry out their law enforcement responsibilities.</p>
<p>Page 4, Reporting Burden</p>	<p>A person is not required to respond to a collection of information unless it displays a currently valid OMB control number.</p> <p>We try to create forms and instructions that are accurate, can be easily understood, and which impose the least burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.</p> <p>The estimated average time to complete and file this form is as follows: (1) 20 minutes to learn about the law and form; (2) 55 minutes to complete the form; and (3) 30 minutes to assemble and file the form; for a total estimated average of 1 hour and 45 minutes per form. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services,</p>

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	Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, D.C. 20529-2140. OMB No. 1615-0075. Do not mail your completed Form I-864A to this address.	
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Form I-864EZ, Form TOC

Affidavit of Support Under Section 213A of the Act

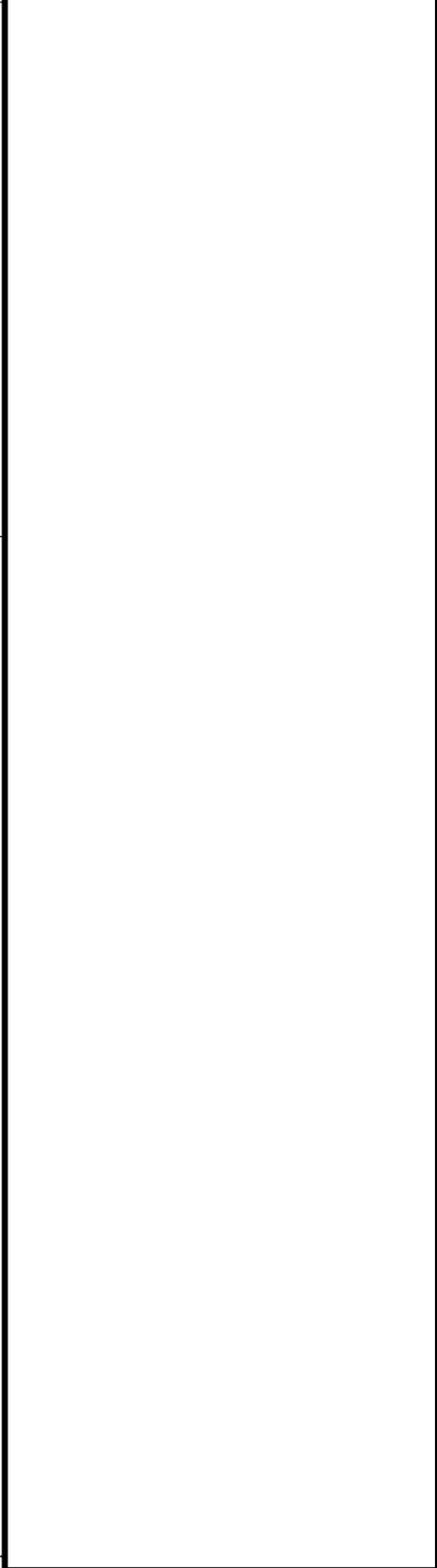
OMB Number: 1615-0075

Date: 5/04/2015

Reason for Revision: Updates to format and standard language, and edits provided by subject matter experts

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Location	Current Text	Proposed Text
Format	Full page format	
Page 1, Part 1. Qualifying to use Form I-864EZ	<p>START HERE. Type or print in black ink.</p> <p>1.a. I am the petitioner of the family member sponsored on this form. <input type="checkbox"/> Yes <input type="checkbox"/> No (Use Form I-864)</p> <p>1.b. I am using my own earned or retirement income which is documented using IRS Form W-2. <input type="checkbox"/> Yes <input type="checkbox"/> No (Use Form I-864)</p> <p>1.c. The sponsored immigrant is the only person immigrating based on the underlying visa petition. <input type="checkbox"/> Yes <input type="checkbox"/> No (Use Form I-864)</p>	
Page 1, Part 2. Information on the immigrant you are sponsoring	<ol style="list-style-type: none"> 1. Name of Immigrant Last Name First Name Middle Name 2. Mailing Address Street Number and Name (include apartment number) City State or Province Zip/Postal Code 	

	<p>Country</p> <p>3. Telephone Number (<i>Include area code or country and city codes</i>)</p> <p>4. Date of Birth (<i>mm/dd/yyyy</i>)</p> <p>5. Alien Registration Number (<i>if any</i>) A-</p> <p>6. Social Security Number (if any)</p>	
<p>Page 2, Part 3. Information on the Sponsor (You)</p>	<p>7. Name of Sponsor Last Name First Name Middle Name</p> <p>8. Mailing Address</p> <p>Street Number and Name <i>(include apartment number)</i> City State or Province Zip/Postal Code</p> <p>Country</p> <p>9. Place of Residence (<i>if different from mailing address</i>)</p> <p>Street Number and Name <i>(include apartment number)</i> City State or Province</p>	

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	<p>Zip/Postal Code</p> <p>Country</p> <p>10. Country of Domicile Country</p> <p>11. Date of Birth (<i>mm/dd/yyyy</i>)</p> <p>12. Place of Birth City State or Province Country</p> <p>13. U.S. Social Security Number (<i>required</i>)</p> <p>14. Citizenship/Residency</p> <p><input type="checkbox"/> I am a U.S. citizen</p> <p><input type="checkbox"/> I am a Lawful Permanent Resident. My alien registration number is A –</p> <p>15. Military Service I am currently on active duty in the U.S. armed services. Yes/No</p>	
<p>Page 2, Sponsor's household size.</p>	<p>16. Your Household Size- <u>Do not count anyone twice.</u></p> <p>a. Yourself and the person you are sponsoring on this form.</p> <p>b. Your spouse.</p>	

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	<p>c. Your dependent children under age 21.</p> <p>d. If you have sponsored any other persons on an I-864 who are now lawful permanent residents in the United States, enter the number here.</p> <p>e. If you have any other dependents listed on you most recent Federal Income tax return, enter the number here.</p> <p>f. Add together lines a, b, c, d and e and enter the number here.</p> <p>This is your HOUSEHOLD SIZE for the purposes of this form.</p>	
<p>Page 3, Part 5. Sponsor's income and employment.</p>	<p>17. I am currently:</p> <p>a. Employed as a/an Name of Employer (if applicable)</p> <p>Name of Second Employer (if applicable)</p> <p>b. Retired since (mm/dd/yyyy) Name of Former Employer</p> <p>18. My individual annual income is currently:</p>	

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19. Federal income tax information:

I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for only the most recent tax year.

(Optional) I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.

My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal tax returns for the most recent three years was:

Tax Year	Total Income
<u> </u> (most recent)	\$ <u> </u>
<u> </u> (2 nd most recent)	\$ <u> </u>
<u> </u> (3 rd most recent)	\$ <u> </u>

**Page 4,
Part 6. Sponsor's
Contract**

Please note that, by signing this Form I-864EZ, you agree to assume certain specific obligations under the Immigration and Nationality Act and other Federal laws. The following paragraphs describe those obligations. Please read the following information carefully before you sign the Form I-864EZ. If you do not understand the obligations, you may wish to consult an attorney or accredited representative.

What Is the Legal Effect of My Signing a Form I-864EZ?

If you sign a Form I-864EZ on behalf of any person (called the "intending immigrant") who is applying for an immigrant visa or for adjustment of status to a permanent resident, and that intending immigrant submits the Form I-864EZ to the U.S. Government with his or her application for an immigrant visa or adjustment of status, under section 213A of the Immigration and Nationality Act these actions create a contract between you and the U. S. Government. The intending immigrant's becoming a permanent resident is the "consideration" for the contract.

Under this contract, you agree that, in deciding whether the intending immigrant can establish that he or she is not inadmissible to the United States as an alien likely to become a public charge, the U.S. Government can consider your income and assets to be available for the support of the intending immigrant.

What If I Choose Not To Sign a Form I-864EZ?

You cannot be made to sign a Form I-864EZ if you do not want to do so. But if you do not sign the Form I-864EZ, the intending immigrant may not be able to become a permanent resident in the United States.

What Does Signing the Form I-864EZ Require Me to Do?

If an intending immigrant becomes a permanent resident in the United States based on a Form I-864EZ that you have signed, then, until your

obligations under the Form I-864EZ terminate, you must:

- Provide the intending immigrant any support necessary to maintain him or her at an income that is at least 125 percent of the Federal Poverty Guidelines for his or her household size (100 percent if you are the petitioning sponsor and are on active duty in the U.S. Armed Forces and the person is your husband, wife, unmarried child under 21 years old.)
- Notify USCIS of any change in your address, within 30 days of the change, by filing Form I-865.

What Other Consequences Are There?

If an intending immigrant becomes a permanent resident in the United States based on a Form I-864EZ that you have signed, then until your obligations under the Form I-864EZ terminate, your income and assets may be considered ("deemed") to be available to that person, in determining whether he or she is eligible for certain Federal means-tested public benefits and also for State or local means-tested public benefits, if the State or local government's rules provide for consideration ("deeming") of your income and assets as available to the person.

This provision does **not** apply to public benefits specified in section 403(c) of the Welfare Reform Act such as, but not limited to, emergency Medicaid, short-term, non-cash emergency relief; services provided under the

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National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; and means-tested programs under the Elementary and Secondary Education Act.

What If I Do Not Fulfill My Obligations?

If you do not provide sufficient support to the person who becomes a permanent resident based on the Form I-864EZ that you signed, that person may sue you for this support.

If a Federal, State or local agency, or a private agency provides any covered means-tested public benefit to the person who becomes a permanent resident based on the Form I-864EZ that you signed, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.

If you are sued, and the court enters a judgment against you, the person or agency that sued you may use any legally permitted procedures for enforcing or collecting the judgment. You may also be required to pay the costs of collection, including attorney fees.

If you do not file a properly completed Form I-865 within 30 days of any change of address, USCIS may impose a civil fine for your failing to do so.

When Will These Obligations End?

Your obligations under a Form I-

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864EZ will end if the person who becomes a permanent resident based on a Form I-864EZ that you signed:

- Becomes a U.S. Citizen;
- Has worked, or can be credited with, 40 quarters of coverage under the Social Security Act;
- No longer has lawful permanent resident status, and has departed the United States;
- Becomes subject to removal, but applies for and obtains in removal proceedings a new grant of adjustment of status, based on a new affidavit of support, if one is required; or
- Dies.

Note that divorce **does not** terminate your obligations under this Form I-864EZ.

Your obligations under a Form I-864EZ also end if you die. Therefore, if you die, your Estate will not be required to take responsibility for the person's support after your death. Your Estate may, however, be responsible for any support that you owed before you died.

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20. I, _____,
certify under penalty of
perjury under the laws of
the United States that:

a. I know the contents of this
affidavit of support that I signed.

b. All the factual statements in this affidavit of support are true and correct.

c. I have read and I understand each of the obligations described in Part 6, and I agree, freely and without any mental reservation or purpose of evasion, to accept each of those obligations in order to make it possible for the immigrant indicated in Part 2 to become a permanent resident of the United States;

d. I agree to submit to the personal jurisdiction of any Federal or State court that has subject matter jurisdiction of a lawsuit against me to enforce my obligations under this Form I-864;

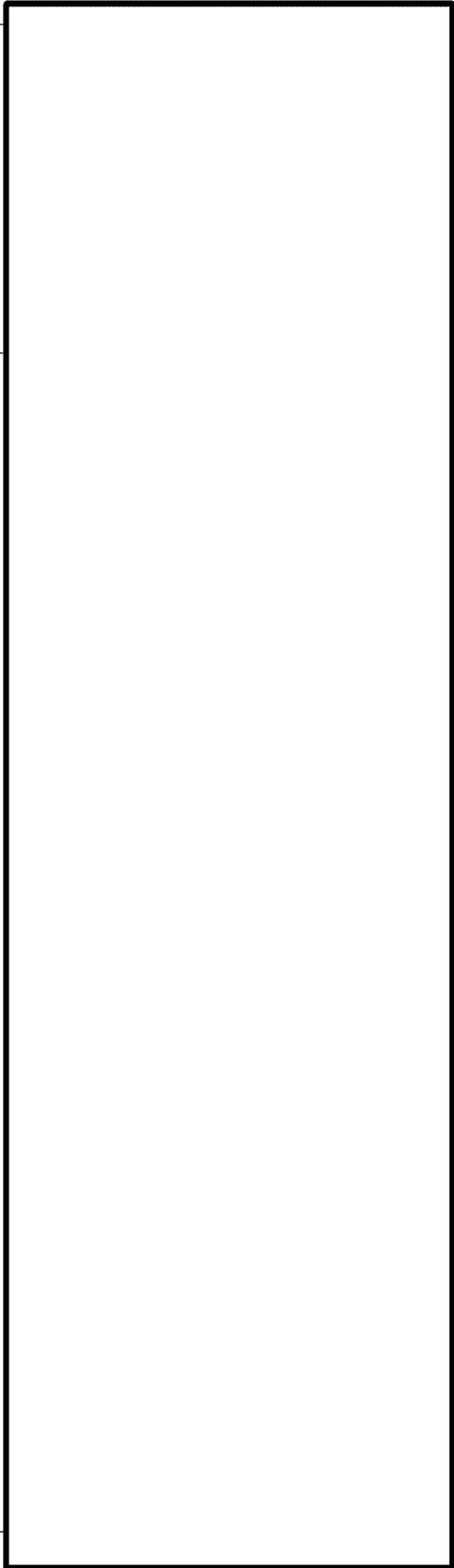
e. Each of the Federal income tax returns submitted in support of this affidavit are true copies, or are unaltered tax transcripts, of the tax returns I filed with the U.S. Internal Revenue Service; and

f. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.

g. Any other evidence submitted is true and correct.

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	<p>21. <i>(Sponsor's Signature)</i> <i>Date- mm/dd/yyyy</i></p>



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<p>Page 5, Part 7. Information on Preparer, if prepared by someone other than the sponsor</p>		

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I certify under penalty of perjury under the laws of the United States that I prepared this affidavit of support at the sponsor's request and that this affidavit of support is based on all information of which I have knowledge.

Signature:
Date (*mm/dd/yyyy*):

Printed Name:
Firm Name:
Address:
Telephone Number:
E-Mail Address:
Business State ID # (*if any*)

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Form I-864EZ, Instruction TOC
Affidavit of Support Under Section 213A of the INA
OMB Number: 1615-0075
Date: 5/04/2015

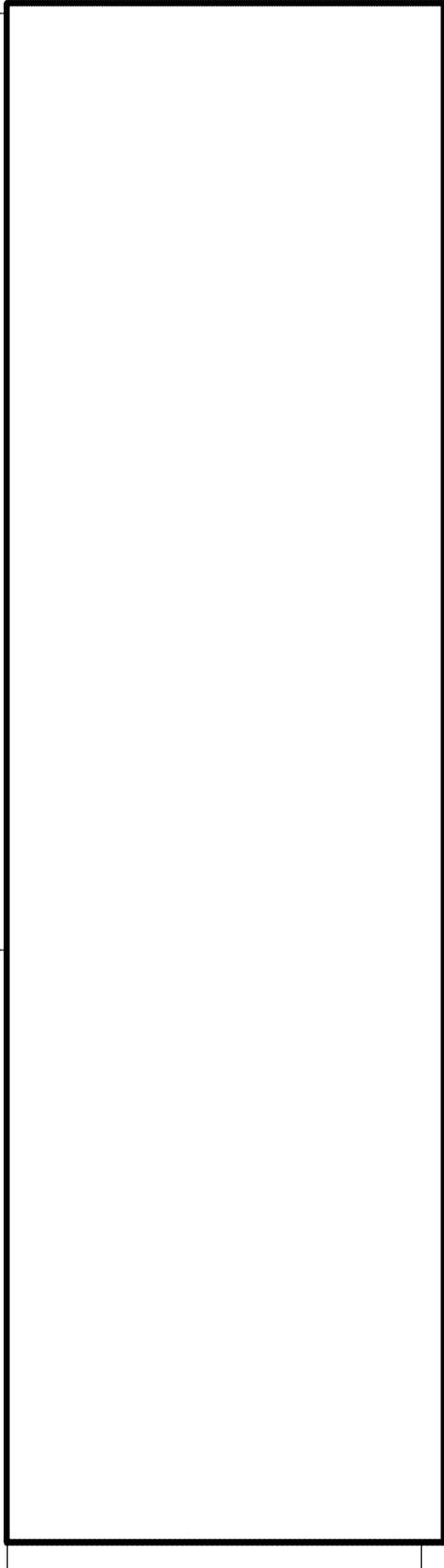
Reason for Revision: Updates to format and standard language, and edits provided by subject matter experts.

Location	Current Text	Proposed Text
Title of Form	Affidavit of Support Under Section 213A of the Act	Affidavit of Support Under Section 213A of the INA (b)(5)
Page 1, How Should I Complete This Form?	<ul style="list-style-type: none"> • Print clearly or type your answers using CAPITAL letters. • Use black ink. • If you need extra space to answer any item: <ul style="list-style-type: none"> -- Attach a separate sheet of paper (or more sheets if necessary); -- Write your name, Social Security number and the words "Form I-864EZ" on the top right corner of the sheet; and -- Write the number and subject of each question for which you are providing additional information. 	
Page 1, What Is The Purpose of This Form?	<p>Form I-864EZ is a shorter version of Form I-864 designed for cases that meet certain criteria. Form I-864 or Form I-864EZ is legally required for many family-based immigrants to show that the intending immigrant has adequate means of financial support and is unlikely to become a public charge. For more information about Form I-864EZ, or to obtain related forms please contact:</p>	

	<ul style="list-style-type: none">• The USCIS website (www.uscis.gov);• The National Customer Service Center (NCSC) telephone line at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833; or• Your local USCIS office by using Infopass.	
<p>Page 1, Who May Use Form I-854EZ?</p>	<p>You may use Form I-864EZ IF ALL the following conditions apply:</p> <ol style="list-style-type: none">1. You are the person who filed or is filing Form I-130, Petition for Alien Relative, for a relative being sponsored;2. The relative you are sponsoring is the only person listed on Form I-130; and3. The income you are using to qualify is based entirely on your salary or pension and is shown on one or more Forms W-2 provided by your employers or former employers.	
<p>Page 1, Who May Not Use Form I-864EZ?</p>	<p>You must complete Form I-864 (and not Form I-864EZ) if any of the following conditions apply:</p> <ol style="list-style-type: none">1. The relative you are sponsoring is not the only person immigrating based upon the underlying visa petition;2. You filed or are filing a Form I-	

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	<p>140, Immigrant Petition for Alien Worker, for the immigrant you are sponsoring;</p> <p>3. You are a joint sponsor;</p> <p>4. You are a "substitute sponsor" filing because the original I-130 petitioner is deceased.</p>	
<p>Page 1, How Is Form I-864EZ Used?</p>	<p>This form is a contract between a sponsor and the U.S. Government. The person completing and signing this form is the sponsor. By signing Form I-864EZ, you are agreeing to use your income and resources to support the intending immigrant named in this affidavit, if it becomes necessary. You must show on this affidavit that you have enough income to ensure that the sponsored immigrant will not have to rely on means-tested public benefits for support in the United States.</p> <p>In most cases, the submission of this affidavit will make the sponsored immigrant ineligible for Federal, State, or local means-tested public benefits, because an agency that provides means-tested public benefits will consider your income and resources available to the sponsored immigrant in determining eligibility for the program.</p> <p>If the immigrant sponsored in this affidavit does receive a Federal, State, or local means-tested public benefit, the agency providing the benefit may require you to repay the cost of those benefits. That agency can sue you if you do not repay the cost of the benefits provided.</p>	

<p>Page 1, Who Is Required to File a Form I-864W Instead of a Form I- 864 or I-864EZ?</p>	<p>The following types of intending immigrants must properly complete and submit Form I-864W, Intending Immigrant's Affidavit of Support Exemption, instead of a Form I-864 or Form I-864EZ:</p> <ul style="list-style-type: none">• An intending immigrant who has or can be credited with 40 quarters of work. The Social Security Administration (SSA) can provide information on how to count and provide evidence of quarters of work.• An intending immigrant who will, upon admission, acquire U.S. citizenship under section 320 of the Immigration and Nationality Act, as amended by the Child Citizenship Act of 2000 (CCA); and• A self-petitioning widow(er) or qualifying battered spouse or child.		
<p>Page 2, Who Completes This Form?</p> <p>AND</p> <p>Page 2, 3. What Are the Income Requirements?</p> <p>AND</p> <p>Page 2, 4. How Do I Count Household Size?</p> <p>AND</p> <p>Page 2,</p>	<p>[Page 2]</p> <p>Who Completes This Form?</p> <p>Only the U.S. citizen or lawful permanent resident who filed a Form I-130 relative visa petition for a family member, may complete this form. A sponsor is required to be 18 years old and domiciled in the United States, its territories or possessions (see Step-by-Step Instructions for more information on domicile).</p> <p>3. What Are the Income Requirements?</p> <p>To qualify as a sponsor, you must demonstrate that you have an income</p>		

5. How Long Does My Obligation as a Sponsor Continue?

AND

Page 2,

6. Do I Have to Report My Change of Address If I Move?

of at least 125 percent of the current Federal Poverty Guidelines for your household size. The Federal poverty line, for purposes of this affidavit, is updated annually and can be found on Form I-864P, Poverty Guidelines, at www.uscis.gov/I-864P.

If you are on active duty in the U.S. Armed Forces, and you are sponsoring your spouse or minor child, you only need to have an income of 100 percent of the Federal poverty line for your household size

4. How Do I Count Household Size?

Your household size includes yourself and the following individuals, no matter where they live: any spouse, any dependent children under the age of 21, any other dependents listed on your most recent Federal income tax return, the person being sponsored in this affidavit of support; and any immigrants previously sponsored with a Form I-864 or Form I-864EZ affidavit of support whom you are still obligated to support.

5. How Long Does My Obligation as a Sponsor Continue?

Your obligation to support the immigrant you are sponsoring in this Form I-864EZ will continue until the sponsored immigrant becomes a U.S. citizen, or can receive credit for, 40 qualifying quarters of work in the United States. Although 40 qualifying

quarters (credits) of work generally equates to 10 years of work, in certain cases, the work of a spouse or parent adds qualifying quarters toward eligibility. The Social Security Administration can provide information on how to count qualifying quarters (credits) of work. The obligation also ends if you or the sponsored immigrant dies or if the sponsored immigrant ceases to be a lawful permanent resident and departs the United States. Divorce does not end the sponsorship obligation.

6. Do I Have to Report My Change of Address If I Move?

Federal law requires that a sponsor report every change of address to the USCIS within 30 days of the change. To do this, send a completed Form I-865, Sponsor's Change of Address, to the Service Center having jurisdiction over your new address.

Do not complete Form I-865 at the same time that you complete Form I-864EZ. You should complete and submit Form I-865 to USCIS only when the address you indicated on the original Form I-864EZ has changed. A sponsor who fails to submit a Form I-865 within 30 days of a change of address may be fined.

Please see Form I-865 for further directions on filing the Sponsor's Change of Address. This requirement does not relieve a sponsor who is a lawful permanent resident from submitting Form AR-11 within 10 days of a change of address.

When Do I Complete Form I-864EZ and Where Do I Send It?

If the intending immigrant will apply for an immigrant visa at a U.S. Embassy or Consulate overseas:

Complete Form I-864EZ when it is mailed to you from the National Visa Center (VC). Different instructions apply to some cases so follow the instructions provided by the National Visa Center for your particular case. The instructions on when and where to submit Form I-864EZ are included in the information packet that is mailed to you with Form I-864EZ. The form must be submitted to the government within 1 year of your signature date on the form.

If the intending immigrant will adjust in the United States:

Complete Form I-864EZ when the intending immigrant is ready to submit his or her Application to Register Permanent Residence or Adjust Status, Form I-485. Then, give the completed Form I-864EZ and all supporting documentation to the intending immigrant to submit with his or her application for adjustment of status. This form and all accompanying documents must be submitted within one year of the time you complete and sign this form.

For privacy, you may enclose these documents in a sealed envelope marked "Form I-864EZ: To be opened only by a U.S. government official." You may be requested to submit

	updated information if there is a significant delay in processing.	(b)(5)
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<p>Page 3, Step By Step Instructions</p> <p>AND</p> <p>Page 3, Part 1. Qualifying to Use Form I-864EZ.</p> <p>AND</p> <p>Page 3, Part 2. Information on Immigrants You Are Sponsoring</p> <p>AND</p> <p>Page 3, Part 3. Information on the Sponsor</p> <p>AND</p> <p>Page 4, Part 4. Sponsor's Household Size</p> <p>AND</p> <p>Page 4, Part 5. Sponsor's Income and Employment</p>	<p>[Page 3]</p> <p>Form I-864EZ is divided into seven parts. The information below will help you fill out the form.</p> <p>Part 1. Qualifying to Use Form I-864EZ.</p> <p>You may use Form I-864EZ if the statements in 1(a), 1(b) and 1(c) are all true. If you cannot check "Yes" to all three boxes, you do NOT qualify to use Form I-864 EZ and therefore must use Form I-864. Submission of the incorrect form will delay processing.</p> <p>a. Check "Yes" if you are the petitioner who is filing or who has already filed Form I-130, Petition for Alien Relative; Form I-129F, Petition for Alien Fiance(e); Form I-600, Petition to Classify Orphan as an Immediate Relative; or Form I-600A, Application for Advance Processing of Orphan Petition.</p> <p>b. Check "Yes" if you are using only your own earned or retirement income that can be documented with an IRS Form W-2. If you are self-employed, you must check "No" to the question and you cannot use Form I-864EZ.</p> <p>c. The term "immigrating with" in this statement means "on the same visa petition". Thus, if the person you are sponsoring is an immediate relative (spouse, child, or certain parents of U.S. citizens), you can automatically</p>	

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check "Yes" for this box because every immediate relative has his or her own visa petition. If the person you are sponsoring is a family-based preference immigrant, and the family members listed on the same visa petition are immigrating with or within 6 months of the sponsored immigrant, you must check "No" for this box and you cannot use Form I-864EZ.

Part 2. Information on Immigrants You Are Sponsoring.

6. Alien Registration Number. An "A-number" is an Alien Registration Number assigned by the former Immigration and Naturalization Service (INS) or U.S. Citizenship and Immigration Services (USCIS). If the intending immigrants you are sponsoring have not previously been in the United States or have only been in the United States as tourists, they probably do not have A-numbers. Persons with A-numbers can locate the number on their INS or USCIS-issued

documentation.

Part 3. Information on the Sponsor.

10. Country of Domicile. This question is asking you to indicate the country where you maintain your principal residence and where you plan to reside for the foreseeable future. If your mailing address and/or place of residence is not in the United States, but your country of domicile is the United States, you must attach a written explanation and documentary evidence indicating how you meet the domicile requirement. If you are not

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	<p>currently living in the United States, you may meet the domicile requirement if you can submit evidence to establish that any of the following conditions apply:</p> <p>A. You are employed by a certain organization. Some individuals employed overseas are automatically considered to be domiciled in the United States because of the nature of their employment. The qualifying types of employment include employment by:</p> <ul style="list-style-type: none">• The U.S. government;• An American institution of research recognized by the Secretary of Homeland Security (The list of qualifying institutions may be found at 8 CFR 316.20);• A U.S. 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 or corporation;• A public international organization in which the United States participates by treaty or statute;• A religious denomination having a bona fide organization in the United States, if the employment abroad involves the person's performance of priestly or ministerial functions on behalf of the denomination; or• A religious denomination or interdenominational missionary organization having a bona fide organization in the United States, if the person is engaged solely as a missionary.	
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B. You are living abroad temporarily. If you are not currently living in the United States, you must show that your trip abroad is temporary and that you have maintained your domicile in the United States. You can show this by providing proof of your voting record in the United States, proof of paying U.S. State or local taxes, proof of having property in the United States, proof of maintaining bank or investment accounts in the United States, or proof of having a permanent mailing address in the United States. Other proof could be evidence that you are a student studying abroad or that a foreign government has authorized a temporary stay.

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15. Military Service.

Check "yes" if you are the petitioning sponsor and on active duty in the U.S. Army, Navy, Air Force, Marines, or Coast Guard, other than for training. If you provide evidence that you are currently on active duty in the military and you are petitioning for your spouse or minor child, you will need to demonstrate income at only 100 percent of the poverty level for your household size, instead of at 125 percent of the poverty level. (See Form I-864P for information on the poverty levels.) Check "no" if you are not on active duty in the U.S. military.

[Page 4]

Part 4. Sponsor's Household Size.

This section asks you to add together the number of persons for whom you are financially responsible. Some of these persons may not be residing with

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you. Make sure you do not count any individual more than once, since in some cases the same person could fit into two categories.

16(a) - This line is already completed for you.

16(b) - If you are married, and your spouse was not included in line (a), enter "1" here.

16(c) - Enter the number of unmarried children you have who are under age 21, even if you do not have legal custody of these children. You may exclude any unmarried children under 21, if these children have reached majority under the law of their place of domicile and you do not claim them as dependents on your income tax returns.

16(d) - Enter the number of lawful permanent residents whom you are currently obligated to support based on your previous submission of Form I-864 or Form I-864EZ as a petitioning, substitute, or joint sponsor. Include only those persons who have already immigrated to the United States. Do not include anyone for whom your obligation to support has ended through the sponsored immigrant's acquisition of U.S. citizenship, death, abandonment of lawful permanent residence in the United States, acquisition of 40 quarters of earned or credited work in the United States, or obtaining a new grant of adjustment of status while in removal proceedings based on a new affidavit of support, if one is required.

16(e) Enter the number of any other dependents. You must include each and every person whom you have claimed as a dependent on your most recent Federal income tax return, even if that person is not related to you.

Even if you are not *legally obligated* to support that person, you must include the person if in fact you did support that person and claimed the person as a dependent.

Part 5. Sponsor's Income and Employment.

18. Current Individual Annual Income.

Enter your current individual earned or retirement annual income that you are using to meet the requirements of this form and indicate the total on this line.

You may include evidence supporting your claim about your expected income for the current year if you believe that submitting this evidence will help you establish ability to maintain sufficient income. **You are not required to submit this evidence, however, unless specifically instructed to do so by a Government official.** For example, you may include a recent letter from your employer, showing your employer's address and telephone number, and indicating your annual salary. You may also provide pay stub(s) showing your income for

the previous six months. If your claimed income includes alimony, child support, dividend or interest income, or income from any other source, you may also include evidence of that income.

19. Federal Income Tax Information.

You must provide either an IRS transcript or a photocopy from your own records of your Federal individual income tax return for the most recent tax year. If you believe additional returns may help you to establish your ability to maintain sufficient income, you may submit transcripts or photocopies of your Federal individual income tax returns for the 3 most recent years.

You are not required to have the IRS certify the transcript or photocopy unless specifically instructed to do so by a Government official; a plain transcript or photocopy is acceptable. Telefile tax records are not acceptable proof of filing.

Do not submit copies of your State income tax returns. **Do not** submit any tax returns that you filed with any foreign government unless you claim that you were not required to file a Federal tax return with the United States government and you wish to rely on the foreign return solely to establish the amount of your income that is not subject to tax in the United States.

If you provide a photocopy of your tax return(s), you must include a copy of each and every Form W-2 and Form 1099 that relates to your return(s). Do not include copies of these Forms if you provide an IRS transcript of your return(s) rather than a photocopy.

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If you were required to file a Federal income tax return during any of the previous 3 tax years but did not do so, you must file any and all late returns with the IRS and attach an IRS-generated tax return transcript documenting your late filing before submitting the I-864EZ Affidavit of Support. If you were not required to file a Federal income tax return under U.S. tax law for any other reason, attach a written explanation including evidence of the exemption and how you are subject to it. Residence outside of the United States does not exempt U.S. citizens or lawful permanent residents from filing a U.S. Federal income tax return. See "Filing Requirements" in the IRS Form 1040 Filing Instructions to determine whether you were required to file.

For purposes of this affidavit, the line for gross (total) income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040EZ, the line for adjusted gross income will be considered.

Obtaining Tax Transcripts. You may use Internal Revenue Service (IRS) Form 4506-T to request tax transcripts from the IRS. Complete IRS Form 4506-T with the ending date for each of your three most recent tax years listed on line 9. Follow all instructions for completing and filing Form 4506-T with the IRS

Part 6. Sponsor's Contract.

Read the contract carefully, print your name, and then sign and date the form.

If you do not print your name and sign and date the form in lines 20

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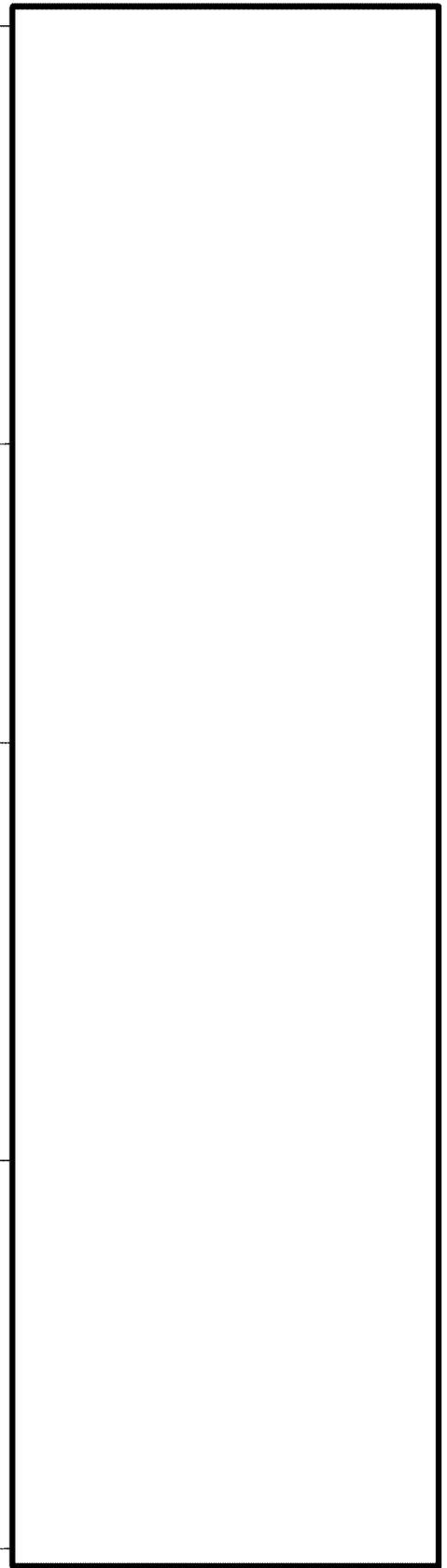
and 21, the immigrant you are sponsoring cannot be issued a visa or be granted adjustment of status.

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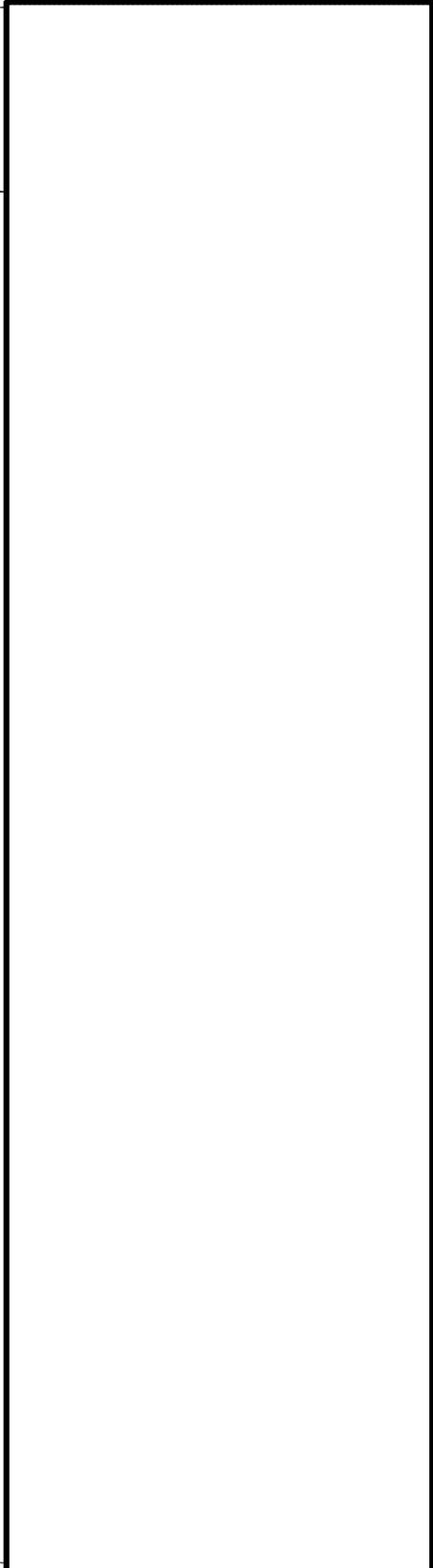
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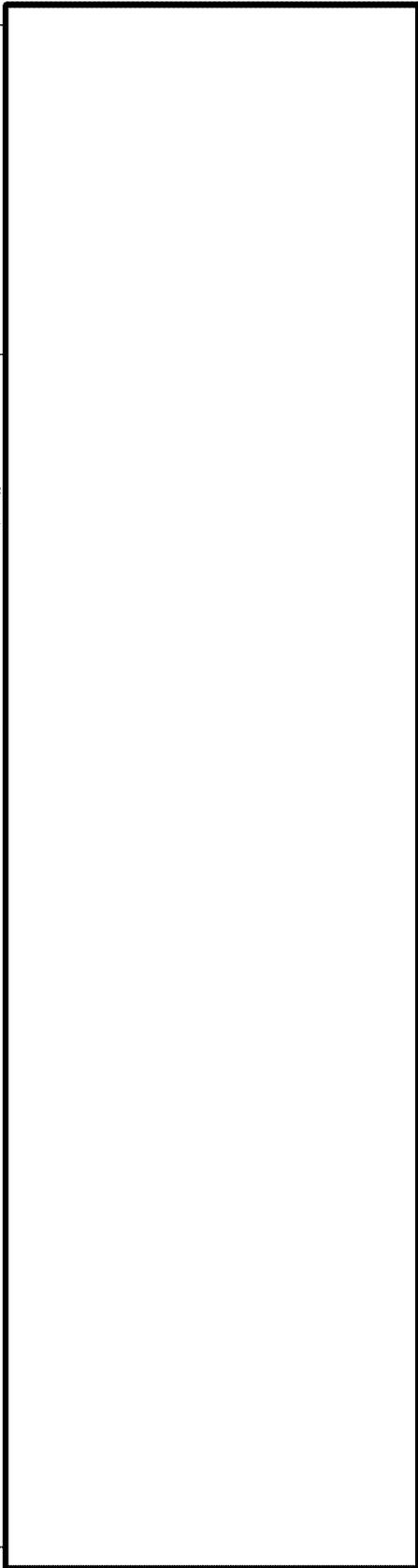
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<p>Page 6, USCIS Forms and Information</p> <p>AND</p> <p>Page 7, Use InfoPass for Appointments</p>	<p>To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by telephoning our USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.</p> <p>[Page 7]</p> <p>As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, InfoPass. To access the system, visit our website at www.uscis.gov. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that</p>	

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	<p>appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.</p>	
<p>Page 5, Other Information Penalties</p>	<p>The Government may pursue verification of any information provided on or in support of this form, including employment, income, financial or other institutions, the Internal Revenue Service, or the Social Security Administration. If you include in this affidavit of support any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.</p> <p>If you fail to give notice of your change of address, as required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3, you may be liable for the civil penalty established by 8 U.S.C. 1183a(d) (2). The amount of the civil penalty will depend on whether you failed to give this notice because you were aware that the sponsored immigrant received Federal, State, or local means-tested public benefits.</p> <p>If the failure to report your change of address occurs with knowledge that the sponsored immigrant received means- tested public benefits (other than benefits described in section 401(b), 403(c),(2), or 411(b) of the</p>	

	<p>Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which are summarized in the contract in Part(6) such failure may result in a fine of not less than \$2,000 or more than \$5,000. Otherwise, the failure to report your change of address may result in a fine not less than \$250 or more than \$2,000.</p>
<p>Page 5, Privacy Act Notice</p>	<p>Authority for the collection of the information requested on this form is contained in 8 U.S.C. 1182a(4), 1183a, 1184(a), and 1258.</p> <p>The information will be used principally by an immigration judge, USCIS, or a Consular Officer to whom it is furnished, to determine an alien's eligibility for benefits under the Immigration and Nationality Act, specifically whether he or she has adequate means of financial support and will not become a public charge.</p> <p>Submission of the information is voluntary. Failure to provide the information will result in denial of the application for an immigrant visa or adjustment of status.</p> <p>The information may also as a matter of routine use be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration consistent with the consent signed as part of the contract in Part 6 of the Form I-864EZ. They may also be disclosed as a matter of routine use to</p>



	other Federal, State, local, and foreign law enforcement and regulatory agencies to enable these entities to carry out their law enforcement responsibilities.
Page 7, Reporting Burden	<p>A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.</p> <p>The estimated average time to complete and file this form is as follows: (1) 30 minutes to learn about the law and form; (2) 40 minutes to complete the form; and (3) 80 minutes to assemble and file the form; for a total estimated average of 2 hours and 30 minutes per form.</p> <p>If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0075. Do not mail your completed Form I-864EZ to this address.</p>
Page 7, Check List	<p>The following items must be submitted with Form I-864EZ:</p> <p>For ALL sponsors:</p> <p>A copy of your individual Federal income tax return, including W-2s</p>

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for the most recent tax year, or a statement and/or evidence describing why you were not required to file. Also include a copy of each and every Form 1099, Schedule, and any other evidence of reported income. You may submit this information for the most recent three tax years, pay stub(s) from the most recent six months, and/or a letter from your employer if you believe any of these items will help you qualify.

For SOME sponsors:

If you are on active duty in the U.S. Armed Forces and are sponsoring your spouse or child using the 100 percent of poverty level, **proof of your active military status.**

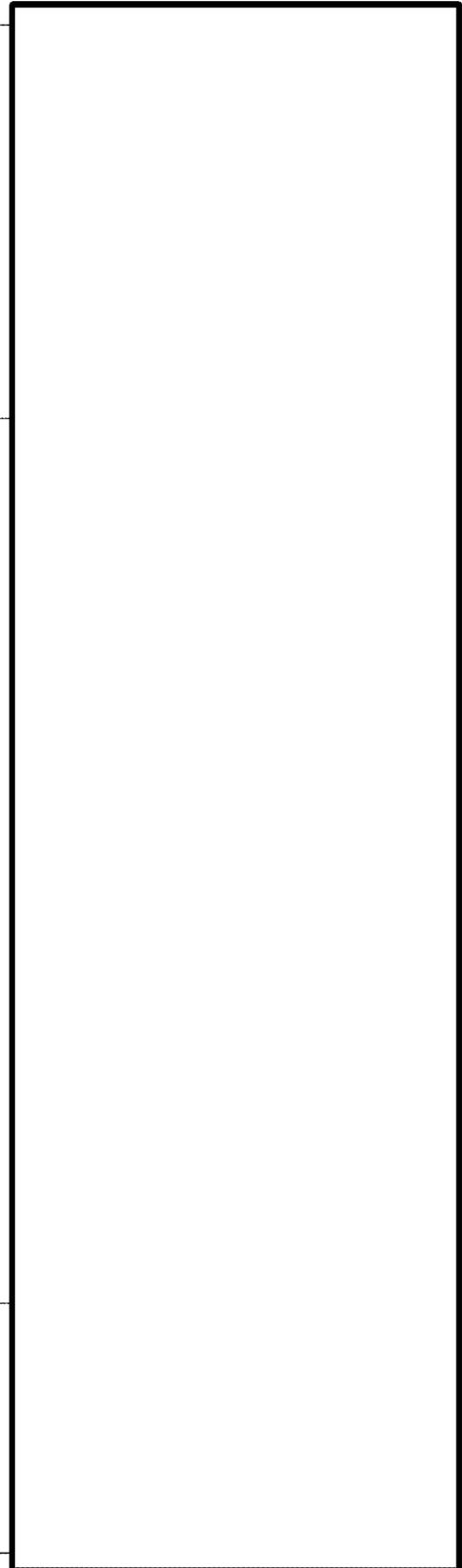
Form I-864W, Form TOC
Request for Exemption for Intending Immigrant's Affidavit of Support
OMB Number: 1615-0075
Date: 5/04/2015

Reason for Revision: Updates to format, standard language, and information provided by subject matter experts.

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Location	Current Text	Proposed Text
<p>Page 1, Part 1. Part 1. Information about the intending immigrant. (You or your adopted child.)</p>	<p>1. Name Last Name First Name Middle Name</p> <p>2. Address</p> <p>Street Number and Name (<i>include apartment number</i>) City State or Province Country Zip/Postal Code</p> <p>3. Date of Birth (<i>mmdyyyy</i>)</p>	<div style="border: 2px solid black; height: 500px; width: 100%;"></div>

	<p>4. Country of Birth (<i>city/country</i>)</p> <p>5. Telephone Number (<i>Include area code or country and city codes</i>)</p> <p>7. Alien Registration Number (<i>if any</i>)</p> <p>6. Social Security Number (<i>if any</i>)</p>
<p>Page 1, Part 2. Reason for exemption.</p>	<p>I am EXEMPT from filing a Form I-864 Affidavit of Support because:</p> <p>I have earned (or can be credited with) 40 quarters (credits) of coverage under the Social Security Act (SSA). (Attach SSA earnings statements. Do not count any quarters during which you received a means-tested public benefit.)</p> <p>I am under 18, unmarried, immigrating as the child of a U.S. citizen, and will automatically become a U.S. citizen under the Child Citizenship Act of 2000 upon my admission to the United States.</p> <p>I am filing for an immigrant visa or adjustment of status as a self-petitioning widow(er) using Form I-360.</p> <p>I am filing for an immigrant visa or adjustment of status as a battered spouse or child using Form I-360.</p>
<p>Page 1, Part 3. Concluding provision.</p>	



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	<p>I, [Fillable Field], certify under penalty of perjury under the laws of the United States that:</p> <p>(a) I know the contents of this exemption request which I signed;</p> <p>(b) All the statements in this exemption request are true and correct; and</p> <p>(c) I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.</p> <p><i>(Signature of intending immigrant, or of U.S. citizen parent if intending immigrant is less than 14 years old)</i></p> <p><i>(Date-mm/dd/yyyy)</i></p>	
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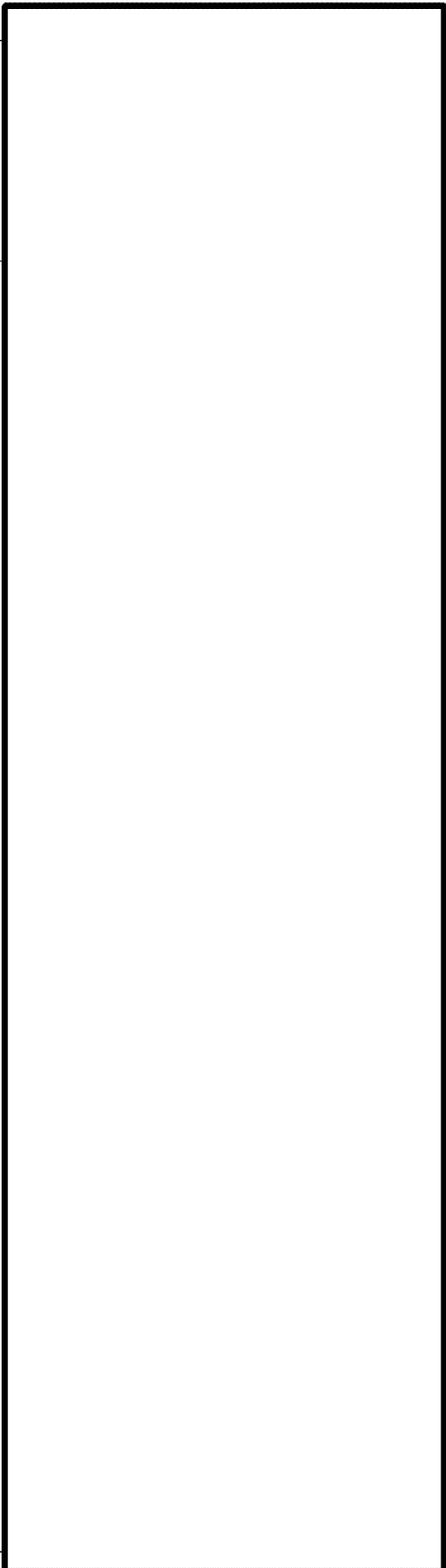
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Form I-864W, Instruction TOC
Instructions for Request for Exemption for Intending Immigrant's Affidavit of Support
OMB Number: 1615-0075
Date: 5/04/2015 (b)(5)

Reason for Revision: Updates to format and standard language, and edits provided by subject matter experts.

Location	Current Text	Proposed Text
<p>Page 1, How Should I Complete This Form?</p>	<ul style="list-style-type: none"> • Print clearly or type your answers using CAPITAL letters. • Use black ink. • If you need extra space to answer any item: <ul style="list-style-type: none"> -- Attach a separate sheet of paper (or more sheets if necessary); and -- Write your name, Social Security number and the words "Form I-864W" on the top right corner of the sheet; and write the number and subject of each question for which you are providing additional information. 	<div style="border: 2px solid black; height: 586px;"></div>
<p>Page 1, What Is the Purpose of This Form?</p>	<p>The Form I-864 is legally required for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and are not likely to become a public charge. Certain classes of immigrants are exempt from the I-864 requirement and therefore must file Form I-864W instead of Form I-864 or Form I-864EZ. For more information about Forms I-864, Form I-864EZ, or I-864W, or to obtain related forms please contact:</p> <ul style="list-style-type: none"> • The USCIS Website 	

	<p>(www.uscis.gov);</p> <ul style="list-style-type: none">• The National Customer Service Center (NCSC) telephone line at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833; or• Your local USCIS office by using InfoPass.	
<p>Page 1, How Is This Form Used?</p>	<p>You must use this form instead of Form I-864 with your application for an immigrant visa or adjustment of status if any of the following apply:</p> <p>(1) You have earned (or can be credited with) 40 quarters of coverage under the Social Security Act (SSA).</p> <p>If you have 40 quarters or SSA coverage, you are exempt from the requirement to file Form I-864. You can acquire 40 qualifying quarters in the following ways:</p> <ul style="list-style-type: none">• Working in the United States for 40 quarters in which you received the minimum income established by the Social Security Administration; or• By being credited under section 213(a)(3)(B) of the Immigration and Nationality Act with quarters worked by your spouse during the marriage or a parent during the time you were under 18 years of age; or• A combination of the above. <p>If you are claiming credit for quarters worked by a spouse or parent, you may not count any quarter in which the spouse or parent was receiving means-tested public benefits. Include all SSA forms necessary to establish that you have or can be credited with 40 quarters of coverage.</p>	

(2) Intending immigrant is a child who will become a U.S. citizen immediately upon entry under the Child Citizenship Act of 2000 (CCA).

Under the CCA, some children become U.S. citizens immediately upon admission to the United States or adjustment of status to that of a lawful permanent resident. For this classification to apply:

- At least one parent of the child is a U.S. citizen;
- The child is under 18 years of age at the time of admission or adjustment of status;
- The child is residing permanently in the United States in the legal and physical custody of the U.S. parent; and

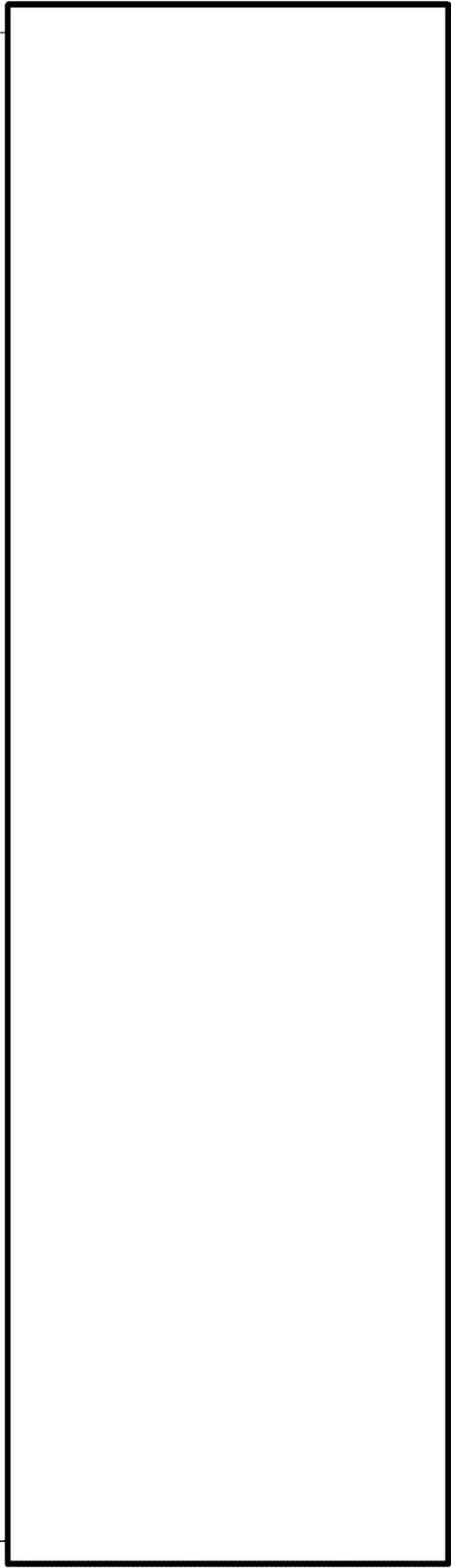
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- If the child is an alien orphan child adopted abroad, the adoption was legally finalized prior to admission to the United States and both adoptive parents or the unmarried U.S. citizen parent personally observed the alien orphan before or during the adoption proceeding.

	<p>If the citizen parent(s) adopted the alien orphan abroad, but at least one of the adoptive parents or the unmarried parent did not see and observe the alien orphan before or during the foreign adoption proceeding, then an affidavit of support under this part is still required unless the citizen parent submits evidence that, under the law of the state of the alien orphan's intended residence in the United States, the foreign adoption decree is entitled to recognition without the need for a formal administrative or judicial proceeding in the State of proposed residence. Orphans whose adoptions are not legally finalized until after admission to the United States will not qualify for this exemption and must file a Form I-864.</p> <p>(3) You are filing for an immigrant visa as a self-petitioning widow(er). If you are filing as a self-petitioning widow(er) using Form I-360, you are exempt from the Affidavit of Support requirements if your Form I-360 is approved and you are applying for lawful permanent residence.</p> <p>(4) You are filing for an immigrant visa as a self-petitioning battered spouse or child. If you are filing as a self-petitioning battered spouse or child using Form I-360, you are exempt from the Affidavit of Support requirements if your Form I-360 is approved and you are applying for lawful permanent residence.</p>	
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<p>Page 2, USCIS Forms and Information</p> <p>AND</p> <p>Page 2, Use InfoPass for Appointments</p>	<p>To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by telephoning our USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.</p> <p>As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, InfoPass. To access the system, visit our website at www.uscis.gov. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic notice that appears on the screen. Print the notice and take it with you to your appointment. The notice</p>	

	gives the time and date of your appointment, along with the address of the USCIS office.	
Page 2, Penalties	The Government may pursue verification of any information provided on or in support of this form. If you include in this affidavit of support any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.	
Page 2, Privacy Act Notice	Authority for the collection of the information requested on this form is	

contained in 8 U.S.C. 1182a(4), 1183a, 1184(a), and 1258. The information will be used principally by an immigration judge, USCIS, or a Consular Officer to whom it is furnished, to determine an alien's eligibility for benefits under the Immigration and Nationality Act, specifically whether he or she has adequate means of financial support and will not become a public charge.

Submission of the information is voluntary. Failure to provide the information will result in denial of the application for an immigrant visa or adjustment of status.

The information may also, as a matter of routine use, be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration consistent with the consent signed as part of the contract in Part 3 of the Form I-864. They may also be disclosed as a matter of routine use to other Federal, State, local, and foreign law enforcement and regulatory agencies to enable these entities to carry out their law enforcement responsibilities.

**Page 2,
Reporting
Burden**

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.

The estimated average time to complete and file this form is as follows: (1) 15 minutes to learn about the law and form; (2) 15 minutes to complete the form; and (3) 30 minutes to assemble and file the form; for a total estimated average of 1 hour per form.

If you have comments regarding the accuracy of this estimate or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, D.C. 20529-2140. OMB No. 1615-0075. **Do not mail your completed Form I-864W to this address.**

FW: Form I-864A TOC (form and instructions)

Wednesday, December 30, 2015

7:53 AM

Subject	FW: Form I-864A TOC (form and instructions)
From	Nazer, David I
To	Mchenry, Laura G
Sent	Friday, April 10, 2015 1:46 PM
Attachments	 I864A-INS-...  I864A-FR...

FYI

David

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Nazer, David I

Sent: Friday, April 10, 2015 11:04 AM

To: Post, Elizabeth A; Johnson, David P

Subject: Form I-864A TOC (form and instructions)

Hi Elizabeth and David,

Attached are the TOCs for the I-864A Form and Instructions. I made comments where I saw something needed to be edited or deleted. Please let me know if you have any questions. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

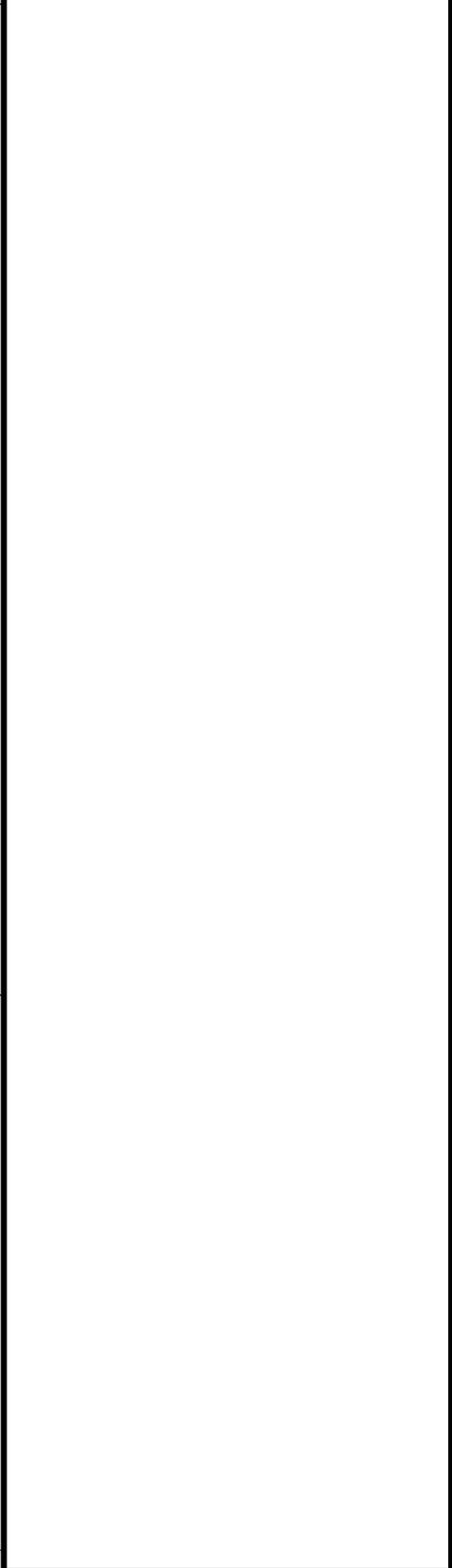
This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

Form I-864A, Instruction TOC
Contract Between Sponsor and Household Member
OMB Number: 1615-0075
Date: 3/30/2015

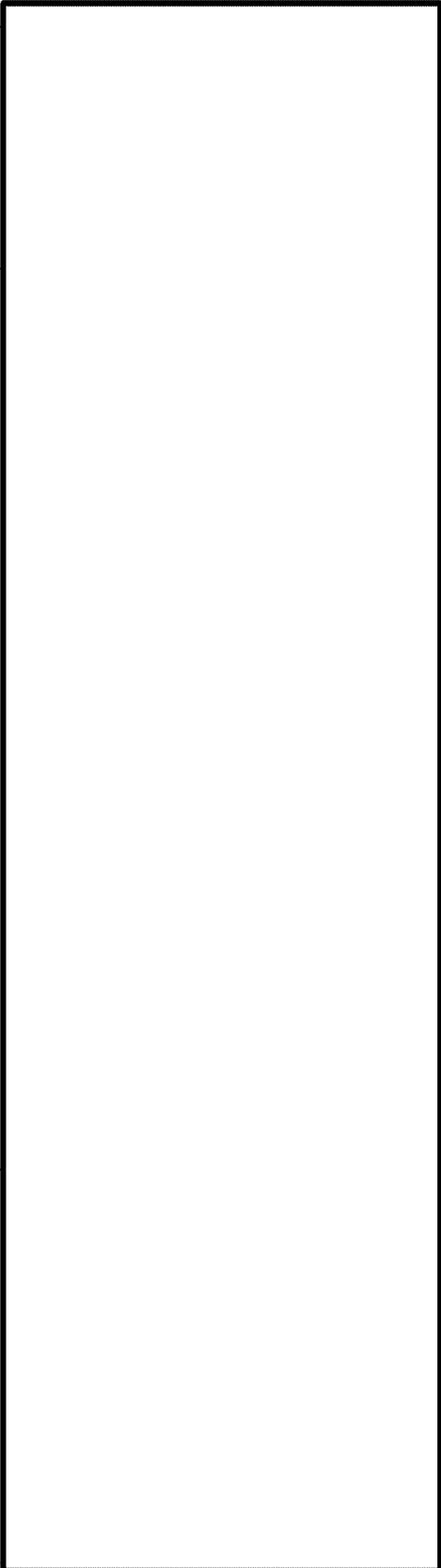
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Reason for Revision: Updates to format, standard language, and edits provided by subject matter experts.

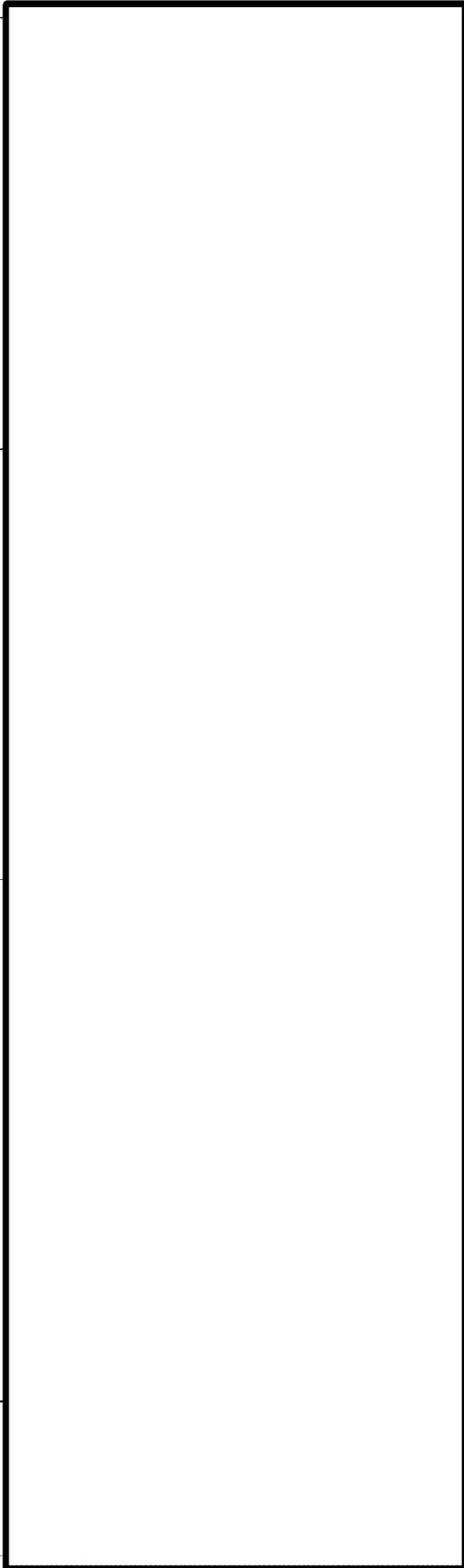
Location	Current Text	Proposed Text
<p>Page 1, How Should I Complete This Form?</p>	<ul style="list-style-type: none"> • Print clearly or type your answers using CAPITAL letters. • Use black ink. • If you need extra space to answer any item: --Attach a separate sheet of paper (or more sheets if necessary); --Write your name, U.S. Social Security number and the words "Form I-864A" on the top right corner of the sheet; and --Write the number and subject of each question for which you are providing additional information. 	
<p>Page 1, What Is This Form?</p>	<p>Form I-864A, Contract Between Sponsor and Household Member, is an attachment to Form I-864, Affidavit of Support Under Section 213A of the Immigration and Nationality Act. It is an optional form, completed and signed by two individuals: a sponsor who is completing Form I-864, and a household member who is promising to make his or her income and/or assets available to the sponsor to help support the sponsored immigrant(s). The combined signing of this form constitutes an agreement that the household member is responsible along with the sponsor for the support of the individual(s) named in this form.</p> <p>A separate Form I-864A must be used for each household member whose income and/or assets are being used by a sponsor to qualify. This form must be submitted simultaneously with Form I-</p>	

	<p>864.</p> <p>Form I-864A may only be used when a sponsor's income and assets do not meet the income requirements of Form I-864 and the qualifying household member chooses to combine his or her resources with the income and/or assets of a sponsor to meet the requirements. The obligations of the household member under this contract terminate when the obligations of the sponsor under the Affidavit of Support terminate.</p> <p>For additional information, see section 213A of the Immigration and Nationality Act, and part 213a of title 8 of the Code of Federal Regulations. For more information about Form I-864, or to obtain related forms please contact:</p> <ul style="list-style-type: none">• The USCIS website (www.uscis.gov);• The National Customer Service Center (NCSC) telephone line at 1-800-375-5283 For TDD (hearing impaired) call: 1-800-767-1833; or• Your local USCIS office by using InfoPass.	
<p>Page 1, What Is a Sponsor?</p>	<p>A "sponsor" is a person, either the petitioning relative, a relative with a significant ownership interest in the petitioning entity, a substitute in the case of a deceased petitioner, or another person accepting joint and several liability with the sponsor, who completes and files Form I-864, Affidavit of Support under Section 213A of the Act on behalf of an intending immigrant. A sponsor must be an individual and may not be an enterprise, a business, or any other type of organization.</p>	

Page 1, Who May Be Considered a “Household Member” for Purposes of This Form?	<p>For purposes of this form, a "household member" is:</p> <ul style="list-style-type: none">• A relative who has the same principal residence as the sponsor and is related to the sponsor as a spouse, adult child, parent, or sibling;• A relative or other person whom the sponsor has lawfully claimed as a dependent on the sponsor's most recent Federal income tax return even if that person does not live at the same residence as the sponsor;• The intending immigrant, in certain circumstances. (See "How Can the Intending Immigrant Be Considered a Household Member"?)
Page 1, How Can the Intending Immigrant Be Considered a Household Member?	<p>Listed below are two ways that the intending immigrant may be considered to be a household member for the purposes of pooling income with the sponsor to meet the Affidavit of Support requirements:</p> <ul style="list-style-type: none">• The intending immigrant has the



	<p>same principal residence as the sponsor and the intending immigrant can establish that his or her income will continue from the same source, even after acquisition of permanent residence.</p> <ul style="list-style-type: none">• The intending immigrant is the sponsor's spouse and the intending immigrant can show that his or her income will continue from the same source after acquisition of permanent residence.
Page 1, Why Does a Household Member Complete This Form?	<p>A household member completes this form if the household member's income and/or assets will be used to demonstrate the sponsor's ability to meet the income requirements and to maintain the sponsored immigrant at an annual income at the level specified in section 213A(f)(1)(E) or 213A(f)(3) of the Act.</p>
Page 2, If the Intending Immigrant Is a Household Member, Must He or She Complete This Form?	<p>If you are the intending immigrant and the sponsor is including your income on Form I-864 to meet the eligibility requirements, you need to complete this form only if you have accompanying dependents. If you are the intending immigrant and the sponsor is including only your assets on Form I-864, you do not need to complete this form, even if you have accompanying dependents.</p>
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<p>Page 2, Step-by-Step Instructions.</p> <p>AND</p> <p>Page 3, Part 2. Sponsor's Promise</p> <p>AND</p> <p>Page 3, Part 3.</p>	<p>[Page 2]</p> <p>This form is divided into three parts. The sponsor completes Part 2 of this form and gives it to the household member. The household member completes Parts 1 and 3 of this form. The information below gives detailed information on completing this form. The Privacy Act Notice and information on penalties for misrepresentation or fraud are included on the instructions to Form I-864.</p>	

the sponsor, but you must provide proof that your income will continue from the same source after immigration. If you check box (b) (not married to the sponsor), you must provide proof that you currently have the same principal residence as the sponsor and that your income will continue from the same source after immigration.

If you are the household member completing this form, but are not the intending immigrant, check box (c), and check the box below that describes your relationship to the sponsor. If you check "dependent," you must be listed as a dependent on the sponsor's most recent Federal tax return. You do not have to provide proof that you have the same principal residence as the sponsor. If you check any other relative except for spouse, you must provide proof of the relationship and that you have the same principal residence as the sponsor.

9. Household Member's Employment.

Check all boxes that apply to you. A sponsor may not rely on a household member's income from illegal activities, such as proceeds from illegal gambling or drug sales, to meet the income requirements, even if the household member paid taxes on that income.

10. Current Individual Annual Income.

Enter your current individual earned or retirement annual income that you are using to meet the requirements of this form and indicate the total on this line.

You may include evidence supporting your claim about your expected income for the current year if you believe that submitting this evidence will help you establish ability to maintain sufficient income. **You are not required to submit this evidence, however, unless specifically instructed to do so by a Government official.** For example, you may include a recent letter from your employer, showing your employer's address and telephone number, and indicating your annual salary. You may also provide pay stub(s) showing your income for the previous six months. If your claimed income includes alimony, child support, dividend or interest income, or income from any other source, you may also include evidence of ability to maintain that income.

11. Household Member's Federal Income Tax Information

You must provide either an IRS transcript or a photocopy from your own records of your Federal individual income tax return for the most recent tax year. If you believe additional returns may help you to establish your ability to maintain sufficient income, you may submit transcripts or photocopies of your Federal individual income tax returns for the three most recent years.

You are not required to have the IRS certify the transcript or photocopy unless specifically instructed to do so by a Government official; a plain transcript or photocopy is acceptable. Telefile tax records are not acceptable proof of filing.

Do not submit copies of your State income tax returns. **Do not** submit any tax returns that you filed with any foreign government unless you are

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claiming that you were not required to file a Federal tax return with the United States government and you wish to rely on the foreign return solely to establish the amount of your income that was not subject to tax in the United States.

If you provide a photocopy of your tax return(s), you must include a copy of each and every Form W-2 and Form 1099 that relates to your return(s). Do not include copies of these Forms if you provide an IRS transcript of your return(s) rather than a photocopy.

If you checked box 9(b) (self-employed), you should have completed one of the following forms with your Federal income tax return: Schedule C (Profit or Loss from Business), Schedule D (Capital Gains), Schedule E (Supplemental Income or Loss) or Schedule F (Profit or Loss from Farming). You must include each and every Form 1040 Schedule, if any, that you filed with your Federal tax return.

If you were required to file a Federal income tax return during any of the previous three tax years but did not do so, you must file any and all late returns with IRS and attach an IRS-generated tax return transcript documenting your late filing before submitting the Form I-864A.

If you were not required to file a Federal income tax return under U.S. tax law because your income was too low, attach a written explanation

If you were not required to file a Federal income tax return under U.S. tax law for any other reason, attach a written explanation including evidence of the exemption and how you qualified for it. Residence outside of the United States

does not exempt U.S. citizens or lawful permanent residents from filing a U.S. Federal income tax return. See "Filing Requirements" in the IRS Form 1040 Filing Instructions to determine whether you were required to file.

For purposes of this form, the line for gross (total) income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040 EZ, the line for adjusted gross income will be considered.

Obtaining Tax Transcripts. You may use Internal Revenue Service (IRS) Form 4506-T to request tax transcripts from the IRS. Complete IRS Form 4506-T with the ending date for each of your three most recent tax years listed on line 9. Follow all instructions for completing and filing Form 4506-T with the IRS.

12. Assets.

Complete this item only if the sponsor is using the value of your assets to help meet the requirements of the affidavit of support. If you are using only your

income to help the sponsor meet the requirements, do not complete this item.

If you are the intending immigrant and have no accompanying dependents, then do not list your assets on this form. Instead, your assets must be listed on item 24 of Form I-864.

Only assets that can be converted into cash within 1 year and without considerable hardship or financial loss to the owner may be included. The owner of the asset must include a description of the asset, proof of ownership, and the basis for the owner's claim of its net cash value.

You may include the net value of your home as an asset. The net value of the home is the appraised value of the home, minus the sum of any and all loans secured by a mortgage, trust deed, or other lien on the home.

If you wish to include the net value of your home, this, you must include documentation demonstrating that you own it, a recent appraisal by a licensed appraiser, and evidence of the amount of any and all loans secured by a mortgage, trust deed, or other lien on the home. You may not include the net value an automobile unless you show that you have more than one automobile, and at least one automobile is not included as an asset.

[Page 3]

Part 2. Sponsor's Promise

If the sponsor you are promising to make your income available to is sponsoring the the principal intending immigrant (the sponsor should have "Yes" as his or her answer to item

number 8 of his or her Form I-864), you should list the intending immigrant on line "a" of Item 13 and then list on lines "b" through "f" any spouse and any and all children that appear on lines 9a through 9e of the sponsor's Form I-864.

If the sponsor you are promising to make your income available to is not sponsoring the intending immigrant (this should be true only in cases with two joint sponsors, with "No" checked on item 8 of the sponsor's Form I-864), then do not list the intending immigrant on line "a" of Item 13 on this form. Instead, list on lines "a" through "f" any spouse and any and children that appear on lines 9a through 9e of the sponsor's Form I-864.

Part 3. Household Member's Promise

Read the household member's promise carefully, print your name, and then sign and date the form. **If you do not print your name on line 15 and sign and date the form on line 16, the intending immigrant cannot be issued a visa or be granted adjustment of status based upon the income and/ or assets listed**

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on this form.

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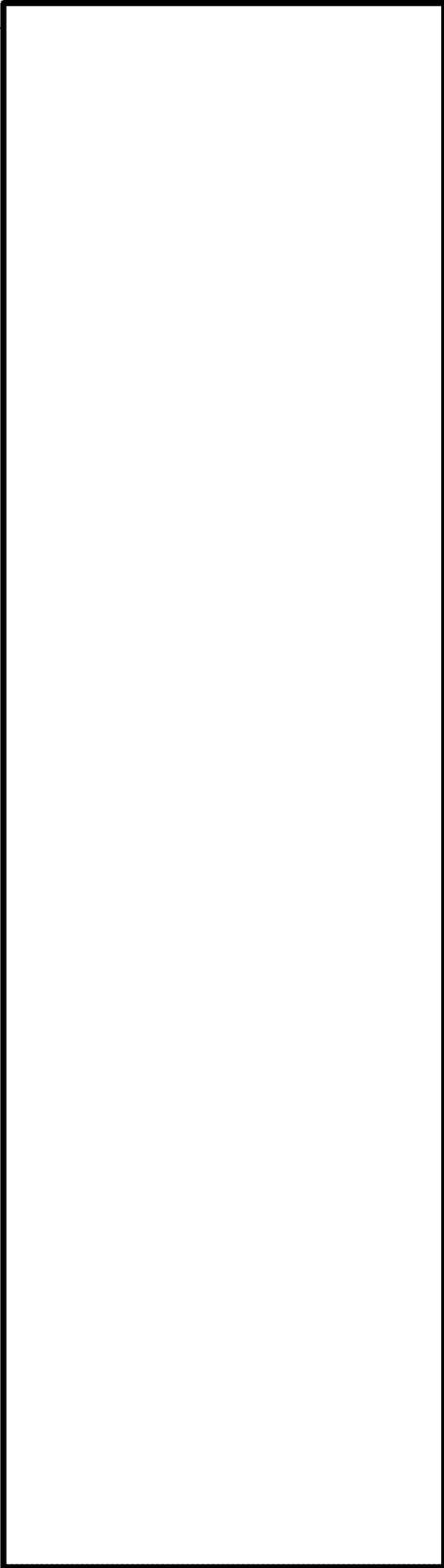
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<p>Page 4, USCIS Forms and Information</p> <p>AND</p> <p>Page 4, Use InfoPass for Appointments</p>	<p>To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by telephoning our USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.</p> <p>As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, InfoPass. To access the system, visit our website at www.uscis.gov. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.</p>	
<p>Page 3,</p>		

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<p>Other Information</p> <p>Penalties</p> <p>The Government may pursue verification of any information provided on or in support of this form, including employment, income, or assets with the employer, financial or other institutions, the Internal Revenue Service, or the Social Security Administration. If you include in this form any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.</p>	
<p>Page 4,</p>	<p>[Page 4]</p>

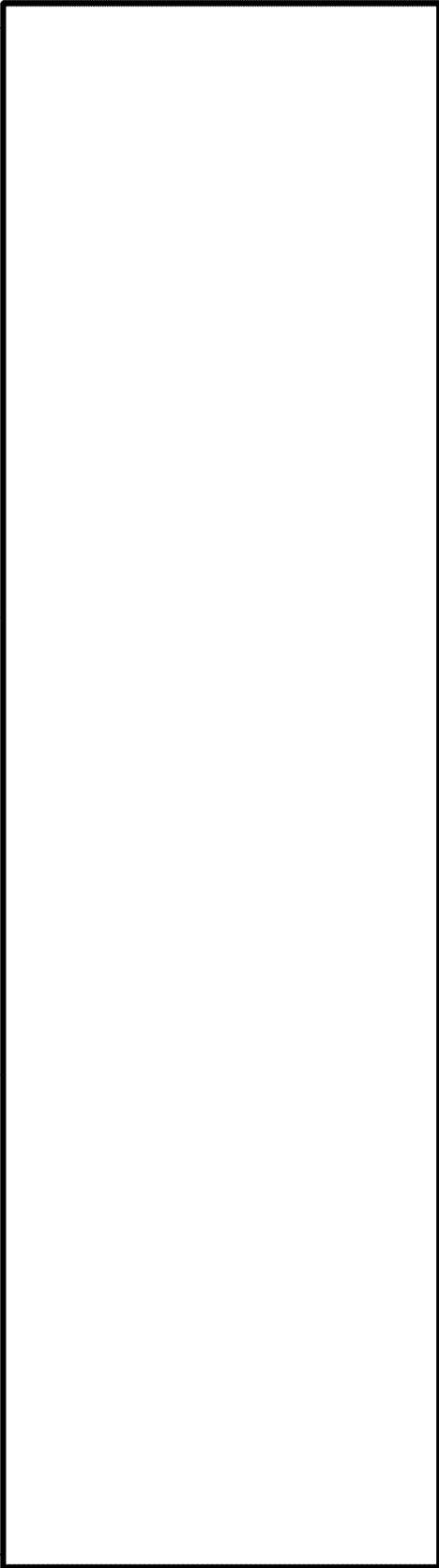
**Privacy Act
Notice**

Authority for the collection of the information requested on this form is contained in 8 U.S.C. 1182a(4), 1183a, 1184(a), and 1258. The information will be used principally by USCIS, a Consular Officer, or an immigration judge to whom it is furnished, to accompany a sponsor's Form I-864, Affidavit of Support, which supports an alien's application for benefits under the Immigration and Nationality Act, specifically the assertion that he or she has adequate means of financial support and will not become a public charge.

Submission of the information is voluntary. Failure to provide the information may result in denial of the application for an immigrant visa or adjustment of status.

The information may as a matter of routine use be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration. It may also be disclosed as a matter of routine use to other Federal, State, local, and foreign law enforcement and regulatory agencies to enable these entities to carry out their law enforcement responsibilities.

<p>Reporting Burden</p>	<p>A person is not required to respond to a collection of information unless it displays a currently valid OMB control number.</p> <p>We try to create forms and instructions that are accurate, can be easily understood, and which impose the least burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.</p> <p>The estimated average time to complete and file this form is as follows: (1) 20 minutes to learn about the law and form; (2) 55 minutes to complete the form; and (3) 30 minutes to assemble and file the form; for a total estimated average of 1 hour and 45 minutes per form. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, D.C. 20529-2140. OMB No. 1615-0075. Do not mail your completed Form I-864A to this address.</p>
<p>New</p>	



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FW: Form I-864 TOC for form and instructions

Wednesday, December 30, 2015
7:50 AM

Subject	FW: Form I-864 TOC for form and instructions
From	Nazer, David I
To	Mchenry, Laura G
Sent	Friday, April 10, 2015 1:45 PM
Attachments	 I864-INS-T...  I864-FRM-...

FYI

David

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From: Nazer, David I

Sent: Thursday, April 09, 2015 3:13 PM

To: Post, Elizabeth A; Johnson, David P

Subject: Form I-864 TOC for form and instructions

Hi Elizabeth and David,

Attached are the TOCs for the I-864 Form and Instructions. I made comments where I saw something needed to be edited or deleted. Please let me know if you have any questions. Thanks.

I'll work them as time permits and send as I finish them (most likely next week).

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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TABLE OF CHANGES – INSTRUCTIONS
Form I-864, Affidavit of Support Under Section 213A of the INA
OMB Number: 1615-0075
03/27/2015

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Reason for Revision: Updates to format, standard language, and edits provided by subject matter experts.

Current Page Number and Section	Current Text	Proposed Text
<p>Page 1, What Is the Purpose of This Form?</p>	<p>[Page 1]</p> <p>What Is the Purpose of This Form?</p> <p>This form is required for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and are not likely to become a public charge. For more information about Form I-864, Affidavit of Support Under Section 213A of the Act, or to obtain related forms please contact:</p> <p>1. The USCIS Web site (www.uscis.gov); 2. The USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.; or 3. Your local USCIS office by using Infopass.</p>	<div style="border: 2px solid black; height: 200px; width: 100%;"></div>
<p>Page 1, How Is This Form Used?</p>	<p>[Page 1]</p> <p>How Is This Form Used?</p> <p>This form is a contract between a sponsor and the U.S. Government. Completing and signing this form makes you the sponsor. You must show on this form that you have enough income and/or assets to maintain the intending immigrant(s) and the rest of your household at 125 percent of the Federal Poverty Guidelines. By signing Form I-864, you are agreeing to use your resources to support the intending immigrant(s) named in this form, if it becomes necessary.</p> <p>The submission of this form may make the sponsored immigrant ineligible for certain Federal, State, or local means-tested public benefits, because an agency that provides means-tested public benefits will consider <i>your</i> resources and assets as available to the</p>	<div style="border: 2px solid black; height: 200px; width: 100%;"></div>

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	<p>sponsored immigrant in determining his or her eligibility for the program.</p> <p>If the immigrant sponsored in this affidavit does receive one of the designated Federal, State or local means-tested public benefits, the agency providing the benefit may request that you repay the cost of those benefits. That agency can sue you if the cost of the benefits provided is not repaid.</p> <p>Not all benefits are considered to be means-tested public benefits. See Form I-864P, Poverty Guidelines, for more information on which benefits may be covered by this definition, or the contract in Part 8, of this form for a list of benefits explicitly not considered means-tested public benefits.</p>
<p>Page 1, Who Needs This Form?</p>	<p>[Page 1]</p> <p>Who Needs This Form?</p> <p>The following immigrants are required by law to submit Form I-864 completed by the petitioner to obtain an immigrant visa overseas or to adjust status to that of a lawful permanent resident in the United States:</p> <ol style="list-style-type: none">1. All immediate relatives of U.S. citizens (spouses, unmarried children under age 21, and parents of U.S. citizens age 21 and older);2. All family-based preference immigrants (unmarried sons and daughters of U.S. citizens, spouses and unmarried sons and daughters of permanent resident aliens, married sons and daughters of U.S. citizens, and brothers and sisters of U.S. citizens age 21 and older); and3. Employment-based preference immigrants in cases only when a U.S. citizen or lawful permanent resident relative filed the immigrant visa petition or such relative has a significant ownership interest (five percent or more) in the entity that filed the petition.

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<p>Pages 1-2, Are There Exceptions to Who Needs This Form?</p>	<p>[Page 1]</p> <p>Are There Exceptions to Who Needs This Form?</p> <p>The following type of intending immigrants do not need to file this form:</p> <ol style="list-style-type: none">1. Any intending immigrant who has earned or can be credited with 40 qualifying quarters (credits) of work in the United States. In addition to their own work, intending immigrants may be able to secure credit for work performed by a spouse during marriage and by their parent(s) while the immigrants were under 18 years of age. The Social Security <p>[Page 2]</p> <p>Administration (SSA) can provide information on how to count quarters of work earned or credited and how to provide evidence of such. See the SSA Web site at www.ssa.gov/mystatement/credits for more information;</p> <ol style="list-style-type: none">2. Any intending immigrant who will, upon admission, acquire U.S. citizenship under section 320 of the Immigration and Nationality Act, as amended by the Child Citizenship Act of 2000 (CCA);3. Self-petitioning widows(ers) who have an approved Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360; and4. Self-petitioning battered spouses and children who have an approved Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360. <p>NOTE: If you qualify for one of the exemptions listed above, submit Form I-864W, Intending Immigrant's Affidavit of Support Exemption, instead of Form I-864.</p>
<p>Page 2, General Instructions</p>	<p>[Page 2]</p> <p>General Instructions</p> <p>If you are completing this form on a computer, the data you enter will be</p>

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captured using 2D barcode technology. This capture will ensure that the data you provide is accurately entered into USCIS systems. As you complete each field, the 2D barcode line at the bottom of each page will shift as data is captured. Upon receipt of your form, USCIS will use decoding equipment to extract the data from the form. Please **do not damage the 2D barcode** (e.g., puncture, staple, spill on, write on, etc.) as this could affect the ability of USCIS to timely process your form.

Each application must be properly signed and filed. A photocopy of a signed application or a typewritten name in place of a signature is not acceptable. An application or petition is not considered properly filed until accepted by USCIS.

Evidence. You must submit all required initial evidence as well as all the supporting

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documentation with your application at the time of filing.

Copies. Unless specifically required that an original document be filed with an application or petition, a legible photocopy may be submitted. Original documents submitted when not required may remain a part of the record, and will not automatically be returned to you.

Translations. Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

How to Fill Out Form I-864

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, write your name and Alien Registration Number (A-Number) (if any), at the top of each sheet of paper, indicate the Part and item number to which your answer refers, and date and sign each sheet.
3. Answer all questions fully and accurately. If an item is not applicable or the answer is "none," leave the space blank.

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Pages 2-8,
General Instructions

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General Instructions

Part 1. Basis for Filing Affidavit of Support.

1.a. Check **Item Number "1.a."** if you are the petitioner who is filing or who has already filed a Form I-129F for a fiancé (e), Form I-130 for a family member, or Form I-600 or Form I-600A for an orphan. If you are the petitioner, you must sponsor each intending immigrant.

1.b. Check **Item Number "1.b."** if you are filing or have filed Form I-140 for your husband, wife, father, mother, child, adult son or daughter, brother, or sister.

1.c. Check **Item Number "1.c."** if you have an ownership interest of at least 5 percent in a business, corporation or other entity that filed or is filing a Form I-140 for your husband, wife, father, mother, child, adult son or daughter, brother, or sister.

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1.d. Check **Item Number "1.d."** if you are the only joint sponsor.

1.e. Check **Item Number "1.e."** if you are either of two joint sponsors.

NOTE: A joint sponsor does not have to be related to the intending immigrant. Indicate whether you are the only joint sponsor or one of two joint sponsors. Check with the petitioning sponsor or the intending immigrant if you are not certain.

1.f. Check **Item Number "1.f."** if you are the substitute sponsor. A substitute sponsor is a sponsor who is completing a Form I-864 on behalf of an intending immigrant

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whose original Form I-130 petitioner has died after the Form I-130 was approved, but before the intending immigrant obtained permanent residence. The substitute sponsor must be related to the intending immigrant in one of the following ways: spouse, parent, mother-in-law, father-in-law, sibling, child (at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild or legal guardian. The substitute sponsor must also be a U.S. citizen or lawful permanent resident. If you are a substitute sponsor, you must sponsor each intending immigrant.

Part 2. Information on the Principal Immigrant. *The principal immigrant is the intending immigrant who is the primary beneficiary of the visa petition.*

1. Item Number 5. Alien Registration Number.

An "A-Number" is an Alien Registration Number assigned by the former Immigration and Naturalization Service (INS) or U.S. Citizenship and Immigration Services (USCIS). If the intending immigrants you are sponsoring have not previously been in the United States or have only been in the United States as tourists, they probably do not have A-Numbers. Persons with A-Numbers can

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locate the number on their INS or USCIS-issued documentation.

Part 3. Information on Immigrant(s) You Are Sponsoring.

1. Indicate whether you are sponsoring the principal immigrant listed in **Part 2**, in this Form I-864. This only applies to cases with two joint sponsors. Check "No" if you are sponsoring only intended immigrants listed in **Part 3, Item Numbers 2.a. - 6.g.)** and not the principal immigrant listed in **Part 2**.

2. Family Members.

The immigrant you are sponsoring may be bringing a spouse and/or children to the United States. If the spouse and/or children will be traveling with the immigrant, or within 6 months of the immigrant's entry to the United States and you are sponsoring them, you should list the names and other requested information on the lines provided. If any dependents are not immigrating, will be immigrating more than 6 months after the sponsored alien arrives in the United States, or you are not sponsoring them, do not list their names here. A separate Form I-864 will be required for them when they apply for their immigrant visas.

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Part 4. Information on the Sponsor

Item Number 5. Country of Domicile.

This question is asking you to indicate the country where you maintain your principal residence and where you plan to reside for the foreseeable future. If your mailing address and/or place of residence is not in the United States, but your country of domicile is the United States, you must attach a written explanation and documentary evidence indicating how you meet the domicile requirement. If you are not currently living in the United States, you may meet the domicile requirement if you can submit evidence to establish that any of the following conditions apply:

1. You are employed by a certain organization.

Some individuals employed overseas are automatically considered to be domiciled in the United States because of the nature of their employment. The qualifying types of employment include employment by:

- a. The U.S. government;

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b. An American institution of research recognized by the Secretary of Homeland Security (the list of qualifying institutions may be found at 8 CFR 316.20);

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c. A U.S. 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 or corporation;

d. A public international organization in which the United States participates by treaty or statute;

e. A religious denomination having a bona fide organization in the United States, if the employment abroad involves the person's performance of priestly or ministerial functions on behalf of the denomination; or

f. A religious denomination or interdenominational missionary organization having a bona fide organization in the United States, if the person is engaged solely as a missionary.

2. You are living abroad temporarily.

If you are not currently living in the United States, you must show that your trip abroad is temporary and that you have maintained your domicile in the United States. You can show this by providing proof of your voting record in the United States, proof of paying U.S. State or local taxes, proof of having property in the United States, proof of maintaining bank or investment accounts in the United States, or proof of having a permanent mailing address in the United States. Other proof could be evidence that you are a student studying abroad or that a foreign government has authorized a temporary stay.

3. You intend in good faith to reestablish your domicile in the United States no later than the date of the intending immigrant's admission or adjustment of status.

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	<p>You must submit proof that you have taken concrete steps to establish that you will be domiciled in the United States at a time no later than the date of the intending immigrant's admission or adjustment of status. Concrete steps might include accepting a job in the United States, signing a lease or purchasing a residence in the United States, or registering children in U.S. schools. Please attach proof of the steps you have taken to establish domicile as described above.</p> <p>4. Item Number 10. U.S. Social Security Number.</p> <p>Section 213A(i) of the Immigration and Nationality Act requires that your U.S. Social Security Number must be included on this Form I-864. If you do not have a U.S. Social Security Number, you must obtain one before submitting this Form I-864. If you do not provide this information, USCIS cannot accept this Form I-864, and the intending immigrant may not be able to immigrate to the United States. Your U.S. Social Security Number may be used to verify, and if necessary, to enforce, your obligations under the Form I-864.</p> <p>5. Item Number 11.a. - 11.c. Citizenship/Residency.</p> <p>Proof of U.S. citizen, national, or permanent resident status is required for joint and substitute sponsors and for relatives of employment-based immigrants who file this form. Petitioning relatives who have already filed proof of their citizenship or immigration status with Form I-129F, Form I-130, Form I-600 and Form I-600A do not need to submit proof of their status with this form.</p> <p>Proof of U.S. citizen or national status</p>
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includes a copy of your birth certificate, certificate of naturalization, certificate of citizenship, consular report of birth abroad to citizen parents, or a copy of the biographic data page of your U.S. passport.

Proof of permanent resident status includes a photocopy of both sides of the "green card," Form I-551, Alien Registration Receipt Card/Permanent Resident Card; or a photocopy of an unexpired temporary I-551 stamp in either a foreign passport or a DHS Form I-94, Arrival/Departure Document.

6. Item Number 12. Military Service.

Check "yes" if you are the petitioning sponsor and on active duty in the U.S. Army, Marines, Navy, Air Force, or Coast Guard, other than for training. If you provide evidence that you are currently on active duty in the military and you are petitioning for your spouse or minor child, you will need to demonstrate income at only 100 percent of the poverty level for your household size, instead of at 125 percent of the poverty level. (See Form I-864P, Poverty Guidelines, for information

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on the poverty levels.) Check "no" if you are not on active duty in the U.S. military. This provision does not apply to joint and substitute sponsors.

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Part 5. Sponsor's Household Size.

This section asks you to add together the number of persons for whom you are financially responsible. Some of these persons may not be residing with you. Make sure you do not count any individual more than once, since in some cases the same person could fit into two categories. For example, your spouse (whom you would enter on **Item Number 3**, might also be a lawful permanent resident whom you have already sponsored using Form I-864 (**Item Number 6**). If you included your spouse on **Item Number 3**, do not include him or her again on **Item Number 6**.

1. Item Number 4. Enter the number of unmarried children you have who are under age 21, even if you do not have legal custody of these children. You may exclude any unmarried children under 21, if these children have reached majority under the law of their place of domicile and you do not claim them as dependents on your income tax returns.

2. Item Number 5. Enter the number of any other dependents. You must include each and every person whom you have claimed as a dependent on your most recent Federal income tax return, even if that person is not related to you. Even if you are not *legally obligated* to support that person, you must include the person if in fact you

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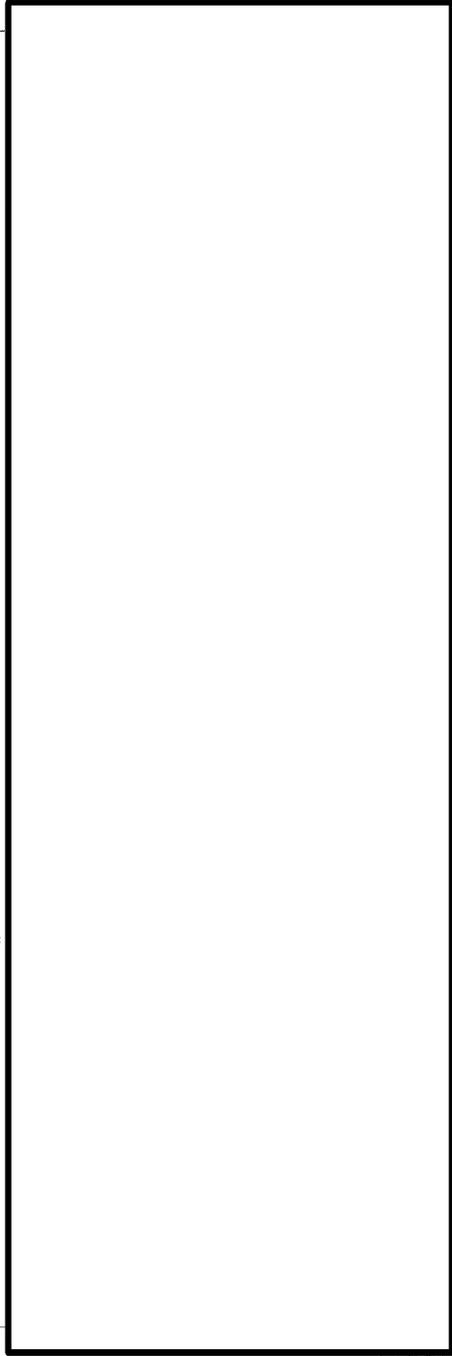
did support that person and claimed the person as a dependent.

3. Item Number 6. Enter the number of lawful permanent residents whom you are currently obligated to support based on your previous submission of Form I-864 as a petitioning, substitute, or joint sponsor, or of Form I-864EZ as a petitioning sponsor. Include only those persons who have already immigrated to the United States. Do not include anyone for whom your obligation to support has ended through the sponsored immigrant's acquisition of U.S. citizenship, death, abandonment of lawful permanent residence in the United States, acquisition of 40 quarters of earned or credited work in the United States, or obtaining a new grant of adjustment of status while in removal proceedings based on a new affidavit of support, if one is required.

4. Item Number 7. This question gives you the option of including certain other non-dependent relatives who are living in your residence as part of your household size. Such relatives may include your mother, father, sister, brother or adult children, if they are living in your residence. However, the only reason to include these family members in your household size is if you need to include their income when you calculate your household income for purposes of meeting the income requirement for this form. To be considered, any relative indicated in this category must sign and submit Form I-864A.

Part 6. Sponsor's Income and Employment.

1. - 4. Job Classification.



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Check the **Item Number 1 - 4**, that applies to you and provide the requested information.

5. Current Individual Annual Income.

Enter your current individual earned or retirement annual income that you are using to meet the requirements of this form and indicate the total on this line.

You may include evidence supporting your claim about your expected income for the current year if you believe that submitting this evidence will help you establish ability to maintain sufficient income. **You are not required to submit this evidence, however, unless specifically instructed to do so by a Government official.** For example, you may include a recent letter from your employer, showing your employer's address and telephone number, and indicating your annual salary. You may also provide pay stub(s) showing your income for the previous 6 months. If your claimed income includes alimony, child support, dividend or interest income, or income from any other source, you may also include evidence of that income.

6. Annual Household Income.

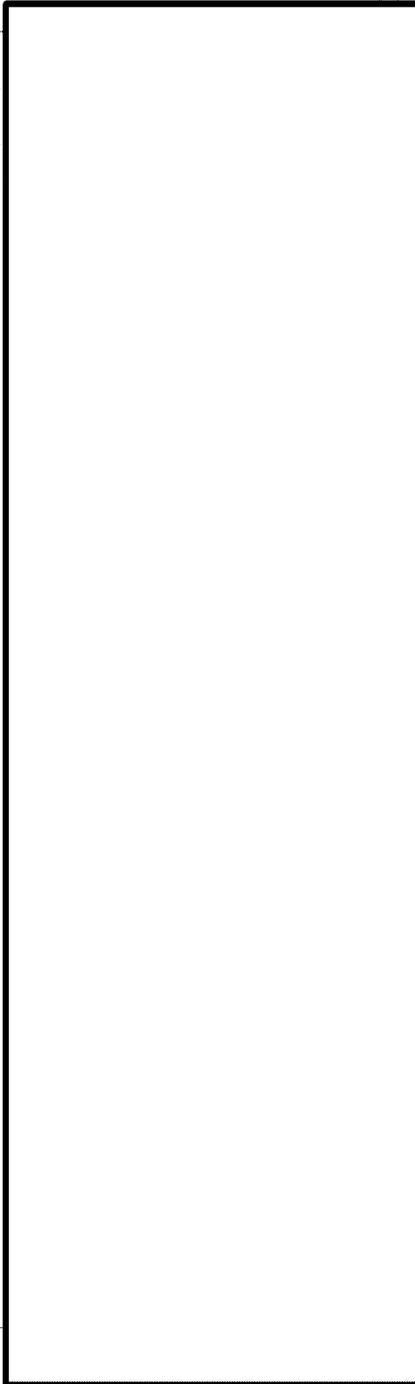
This section is used to determine the sponsor's household income. Take your annual individual income from **Item Number 5**, and enter it on **Item Number 6.c**. If this amount is greater than 125 percent (or 100 percent if you are on active duty in the U.S. military and sponsoring your spouse or child) of the Federal Poverty Guidelines for your household size from **Part 5, Item Number 8.**, you do not need to include any household member's income. See Form I-864P for reference on the Poverty Guidelines.

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To determine the filing requirements for your relatives included in **Part 6, Item Number 7 - 10.**, follow these instructions:

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	<p>a. If you included the income of your spouse listed in Part 5, Item Number 3., or any child listed in Part 5., Item Number 4., or any dependent listed in Part 5., Item Number 5., or any other relative listed in Part 5., Item Number 7., each one of these individuals must be over 18 years of age and must complete Form I-864A.</p> <p>b. If you included the income of the intending immigrant who is your spouse (he or she would be counted on Item Number 7. of Part 5.), evidence that his/her income will continue from the current source after obtaining lawful permanent resident status must be provided. He/she does not need to complete Form I-864A unless he/she has accompanying children.</p> <p>c. If you included the income of the intending immigrant who is not your spouse, (he or she would be counted on Item Number 1. of Part 5.), evidence that his or her income will continue from the current source after obtaining lawful permanent resident status must be provided and the intending immigrant must provide evidence that he/she is living in your residence. He or she does not need to complete Form I-864A, Contract Between Sponsor and Household Member, unless he or she has an accompanying spouse or children.</p> <p>7. Item Number 14. Federal Income Tax Information.</p> <p>You must provide either an IRS transcript or a photocopy from your own records of your Federal individual income tax return for the most recent tax year. If you believe additional returns may help you to establish your ability to maintain sufficient income, you may submit transcripts or photocopies of your Federal individual income tax returns for the three most recent years.</p>
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You are not required to have the IRS certify the transcript or photocopy unless specifically instructed to do so by a Government official; a plain transcript or photocopy is acceptable. Telefile tax records are not acceptable proof of filing.

Do not submit copies of your State income tax returns. **Do not** submit any tax returns that you filed with any foreign government unless you claim that you were not required to file a Federal tax return with the United States government and you wish to rely on the foreign return solely to establish the amount of your income that is not subject to tax in the United States.

If you provide a photocopy of your tax return(s), you must include a copy of each and every Form W-2 and Form 1099 that relates to your return(s). Do not include copies of these Forms if you provide an IRS transcript of your return(s) rather than a photocopy.

If you checked **Item Number 2**, in **Part 6**, (self-employed), you should have completed one of the following forms with your Federal income tax return: Schedule C (Profit or Loss from Business), Schedule D (Capital Gains), Schedule E (Supplemental Income or Loss) or Schedule F (Profit or Loss from Farming). You must include each and every Form 1040 Schedule, if any, that you filed with your Federal tax return.

If you were required to file a Federal income tax return during any of the previous three tax years but did not do so, you must file any and all late returns with IRS and attach an IRS-generated tax return transcript documenting your late filing before submitting the I-864 Affidavit of Support. If you were not required to file a Federal income tax return under U.S. tax law because your income was too low, attach a written explanation. If you were not required to file a Federal income tax return under U.S. tax law for any other

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reason, attach a written explanation including evidence of the exemption and how you are subject to it. Residence outside of the United States does not exempt U.S. citizens or lawful permanent residents from filing a U.S. Federal income tax return. See "Filing Requirements" in the IRS Form 1040 Filing Instructions to determine whether you were required to file.

For purposes of this affidavit, the line for gross (total) income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040 EZ, the line for adjusted gross income will be considered.

Obtaining Tax Transcripts. You may use Internal Revenue Service (IRS) Form 4506-T to request tax transcripts from the IRS. Complete IRS Form 4506-T with the ending date for each of your three most recent tax years listed on **Item Number 9**. Follow all instructions for completing and filing Form 4506-T with the IRS.

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Part 7. Use of Assets to Supplement Income.

Only complete this Part if you need to use the value of assets to meet the income requirements. If your Total Household Income (indicated on **Item Number 10**, of **Part 6**.) is equal to or more than needed to meet the income requirement as shown by the current Poverty Guidelines (Form I-864P) for your household size (indicated on **Item Number 8**, of **Part 5**.), you do not need to complete this Part. If your total household income does not meet the requirement, you may submit evidence of the value of your assets, the sponsored immigrant's assets, and/or assets of a household member that can be used, if necessary, for the support of the intending

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immigrant(s). The value of assets of all of these persons may be combined in order to meet the necessary requirement.

Only assets that can be converted into cash within one year and without considerable hardship or financial loss to the owner may be included. The owner of the asset must include a description of the asset, proof of ownership, and the basis for the owner's claim of its net cash value.

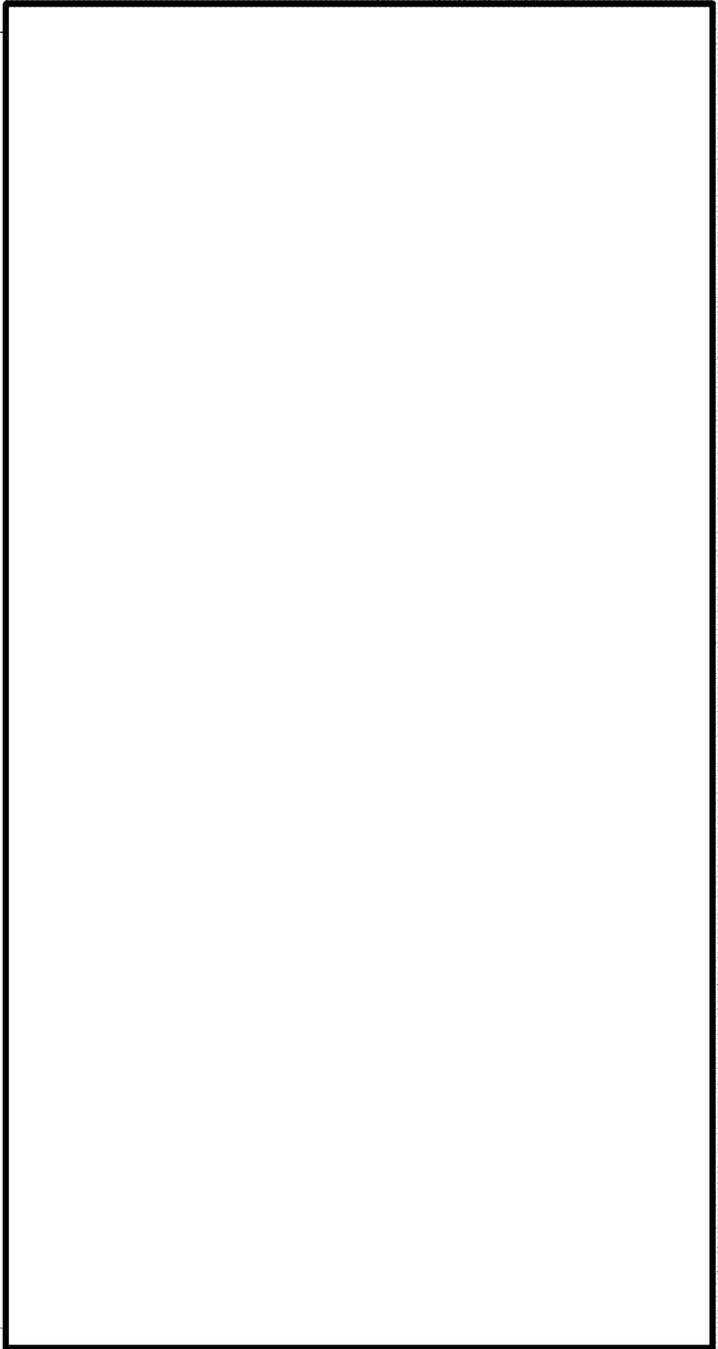
You may include the net value of your home as an asset. The net value of the home is the appraised value of the home, minus the sum of any and all loans secured by a mortgage, trust deed, or other lien on the home. If you wish to include the net value of your home, this, you must include documentation demonstrating that you own it, a recent appraisal by a licensed appraiser, and evidence of the amount of any and all loans secured by a mortgage, trust deed, or other lien on the home. You may not include the net value of an automobile unless you show that you have more than one automobile, and at least one automobile is not included as an asset.

1. - 4. Assets.

To use your own assets, you must complete **Part 7, Item Number 1. - 4.** and submit corresponding evidence with this form. Supporting evidence must be attached to establish location, ownership, date of acquisition, and value of any real estate holding.

5. Household Member's Assets.

To use the assets of a relative (spouse, adult son or daughter, parent or sibling), the relative must reside with you and have completed a Form I-864A, Contract Between Sponsor and Household Member, with accompanying evidence of assets. The Form I-864A and accompanying evidence of assets is submitted with Form I-864. You may use the assets of more than one relative who resides with you so long as you submit a complete Form I-864A with evidence of assets for each such relative.



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6. - 8. Assets of the Intending Immigrant.

You may use the assets of the intending immigrant regardless of where he or she resides. The intending immigrant must provide evidence of such assets with this form. Form I-864A is not required to document the intending immigrant's assets.

9. Total Value of Item Numbers 6. - 8. of Part 7. Enter the number in this field.

10. Total Value of Assets.

In order to qualify based on the value of your assets, the total value of your assets must equal at least five times the difference between your total household income and the current poverty guidelines for your household size. However, if you are a U.S. citizen and you are sponsoring your spouse or minor child, the total value of your assets must only be equal to at least three times the difference. If the intending immigrant is an alien orphan who will be adopted in the United States after the alien orphan acquires permanent residence, and who will, as a result, acquire citizenship under section 320 of the Act, the total value of your assets need only equal the difference.

Example of How to Use Assets: If you are petitioning for a parent and the poverty line for your household size is \$22,062 and your current income is \$18,062, the difference between your current income and the poverty line is \$4,000. In order for assets to help you qualify, the combination of your assets, plus the assets of any household member who is signing Form I-864A, plus any available assets of the sponsored immigrant, would have to equal five times this difference (5 x \$4,000). In this case, you would meet the income requirements if the net value of the assets equaled at least \$20,000.

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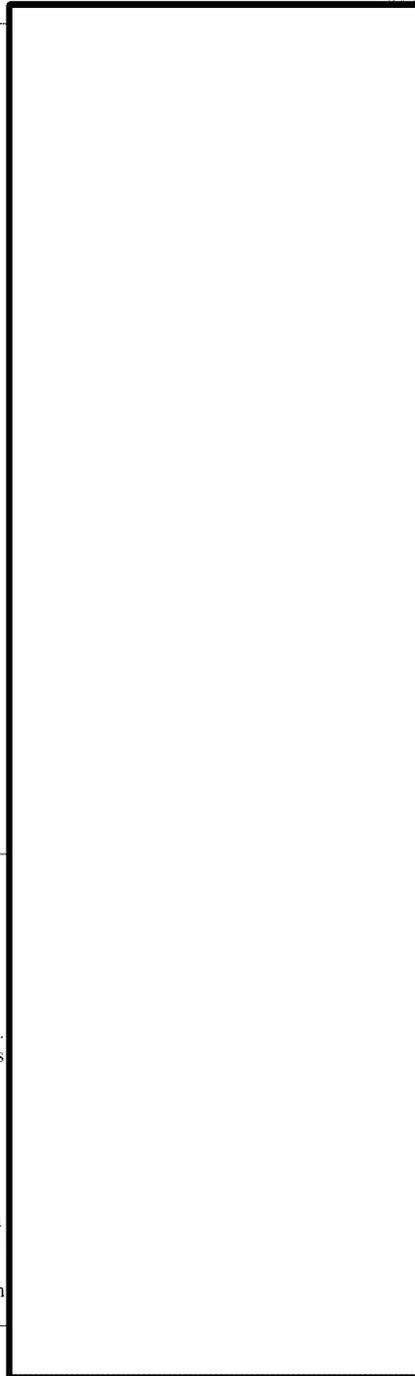
Part 8. Sponsor's Contact Information.

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Read the contract carefully, print your name, and then sign and date the form. **If you do not print your name and sign and date the form, the intending immigrant you are sponsoring cannot be issued a visa or be granted adjustment of status.**

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<p>Pages 8-10, Specific Requirements</p>	<p>[Page 8] Specific Requirements 1. Who Completes and Signs Form I-864? A sponsor completes and signs Form I-864. A sponsor is required to be at least 18 years old and domiciled in the United States, or its territories or possessions (see Part 4, Information on the Sponsor, Item Number 5, of these instructions for more information on domicile). The petitioning sponsor must sign and complete Form I-864, even if a joint sponsor also submits an I-864 to meet the income requirement. The list below identifies who must become sponsors by completing and signing a Form I-864.</p>



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a. The U.S. citizen or lawful permanent resident who filed a Form I-129F, Petition for Alien Fiance(e), for a fiance(e), Form I-130, Petition for Alien Relative, for a family member; Form I-600, Petition to Classify Orphan as an Immediate Relative, or Form I-600A, Application for Advance Processing of Orphan Petition, for an orphan.

b. The U.S. citizen or permanent resident alien who filed a Form I-140, Immigrant Petition for Alien Worker, for a spouse, parent, son, daughter, or sibling who: (1) has a significant ownership interest (5 percent or more) in the business which filed the employment-based immigrant visa petition; or (2) is related to the intending immigrant as a spouse, parent, son, daughter, or sibling.

2. What Are the Income Requirements?

To qualify as a sponsor, you must demonstrate that your income is at least 125 percent of the current Federal poverty guideline for your household size. The Federal poverty line, for purposes of this form, is updated annually and can be found on Form I-864P, Poverty Guidelines, on the USCIS Web site at www.uscis.gov. If you are on active duty in the U.S. Armed Forces, including the Army, Marines Navy, Air Force or Coast Guard, and you are sponsoring your spouse or minor child, you only need to have an income of 100 percent of the Federal poverty line for your household size. This provision does not apply to joint or substitute sponsors.

3. How Do I Count Household Size?

Your household size includes yourself and the following individuals, no matter where

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they live: any spouse, any dependent children under the age of 21, any other dependents listed on your most recent Federal income tax return, all persons being sponsored in this affidavit of support, and any immigrants previously sponsored with a Form I-864 or Form I-864 EZ, Affidavit of Support Under Section 213A of the Act, whom you are still obligated to support. If necessary to meet the income requirements to be a sponsor, you may include additional relatives (adult children, parents, or siblings) as part of your household size as long as they have the same principal residence as you and promise to use their income and resources in support of the intending immigrant(s).

4. What If I Cannot Meet the Income Requirements?

If your income alone is not sufficient to meet the requirement for your household size, the intending immigrant will be ineligible for an immigrant visa or adjustment of status, unless the requirement can be met using any combination of the following:

a. Income from any relatives or dependents living in your household or dependents listed on your most recent Federal tax return who signed a Form I-864A, Contract Between Sponsor and Household Member.

b. Income from the intending immigrant, if that income will continue from the same source after immigration, and if the intending immigrant is currently living in your residence. If the intending immigrant is your spouse, his or her income can be counted regardless of current residence, but it must continue from the same source after he or she becomes a lawful permanent resident;

c. The value of your assets, the assets of any household member who has signed a Form I-864A, or the assets of the intending immigrant;

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d. A joint sponsor whose income and/or

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assets equal at least 125 percent of the Poverty Guidelines. See section 9., **What Is a Joint Sponsor**, for more information on joint sponsors.

5. How Can My Relatives and Dependents Help Me Meet the Income Requirements?

You may use the income of your spouse and/or any other relatives living in your residence if they are willing to be jointly responsible with you for the intending immigrant(s) you are sponsoring. If you have any unrelated dependents listed on your income tax return you may include their income regardless of where they reside.

The income of such household members and dependents can be used to help you meet the income requirements if they complete and sign Form I-864A, Contract Between Sponsor and Household Member, and if they are at least 18 years of age when they sign the form.

6. Can the Intending Immigrant Help Me Meet the Income Requirements?

If certain conditions are met, the intending immigrant's income can help you meet the income requirement. If the intending immigrant is your spouse, his or her income can be included if it will continue from the same source after he or she obtains lawful permanent resident status. If the intending immigrant is another relative, there are 2 requirements.

First, the income must be continuing from the same source after he or she obtains lawful permanent resident status, and second, the intending immigrant must currently live with you in your residence. Evidence must be provided to support both requirements.

However, an intending immigrant whose income is being used to meet the income requirement does not need to complete Form I-864A, Contract Between Sponsor

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and Household Member, unless the intending immigrant has a spouse and/or children immigrating with him or her. In this instance, the contract relates to support for the spouse and/or children.

7. Does Receipt of Means-Tested Public Benefits Disqualify Me From being a Sponsor?

No. Receipt of means-tested public benefits does not disqualify anyone from being a sponsor. However, means-tested public benefits cannot be accepted as income for the purposes of meeting the income requirement.

8. How Can I Use Assets to Qualify?

Assets may supplement income if the consular or immigration officer is convinced that the monetary value of the asset could reasonably be made available to support the sponsored immigrant and converted to cash within one year without undue harm to the sponsor or his or her family members. You may not include an automobile unless you show that you own at least one working automobile that you have not included.

9. What Is a Joint Sponsor?

If the person who is seeking the immigration of one or more of his or her relatives cannot meet the income requirements, a "joint sponsor" who can meet the requirements may submit a Form I-864 to sponsor all or some of the family members.

A joint sponsor can be any U.S. citizen, U.S. national, or lawful permanent resident who is at least 18 years old, domiciled in the United States, or its territories or possessions, and willing to be held jointly liable with the petitioner for the support of the intending immigrant. A joint sponsor does not have to be related to the petitioning sponsor or the intending immigrant.

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If the first joint sponsor completes Form I-864 for some rather than all the family members, a second qualifying joint sponsor will be required to sponsor the remaining family members. There may be no more than two joint sponsors. A joint sponsor must be able to meet the income requirements for all the persons he or she is sponsoring without combining resources with the petitioning sponsor or a second joint sponsor. Any dependents applying for an immigrant visa or adjustment of status more than 6 months after immigration of the intending immigrants must be sponsored by the petitioner but may be sponsored by an original joint sponsor or a different joint sponsor.

Even if one or more Form I-864s are submitted for an intending immigrant, the petitioning sponsor remains legally accountable for the financial support of the sponsored alien along with the joint sponsor(s).

[Page 10]

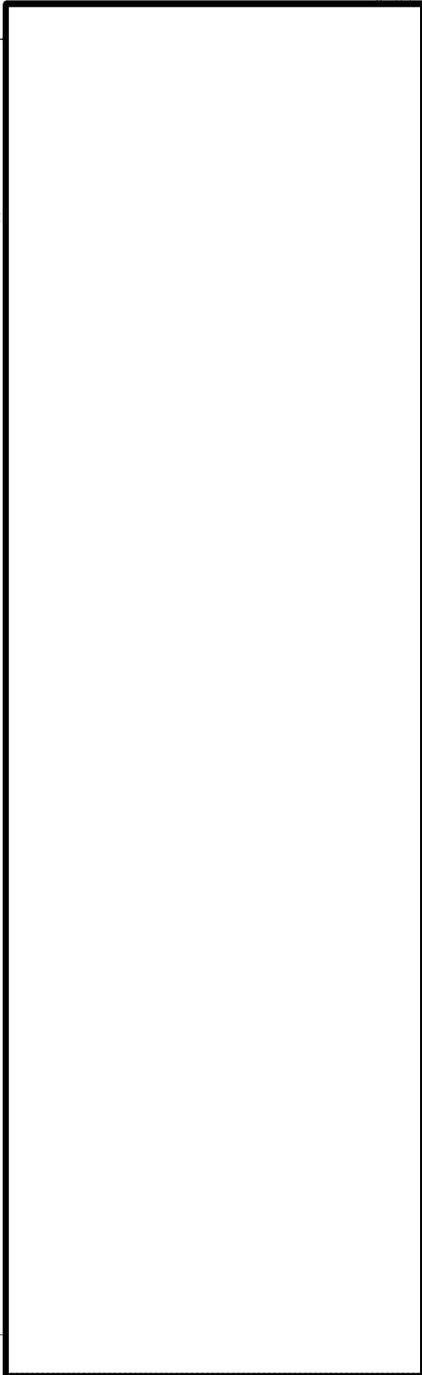
10. What Is a Substitute Sponsor?

A substitute sponsor is a sponsor who is completing a Form I-864 on behalf of an intending immigrant whose original Form I-130 petitioner has died after the Form I-130 was approved, but before the intending immigrant obtained permanent residence.

The substitute sponsor must be related to the intending immigrant in one of the following ways: spouse, parent, mother-in-law, father-in-law, sibling, child (at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild or legal guardian. The substitute sponsor must also be a U.S. citizen or lawful permanent

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	<p>resident.</p> <p>If you are a substitute sponsor, you must indicate that that you are related to the intending immigrant in one of the ways listed above and include evidence proving that relationship. The beneficiary must also file this form along with a written statement explaining the reasons why the Form I-130 visa petition should be reinstated, having been revoked following the petitioner's death. The beneficiary must also include a copy of the Form I-130 approval notice.</p> <p>11. How Long Does My Obligation as a Sponsor Continue?</p> <p>Your obligation to support the immigrant(s) you are sponsoring in this affidavit of support will continue until the sponsored immigrant becomes a U.S. citizen, or can be credited with 40 qualifying quarters of work in the United States.</p> <p>Although 40 qualifying quarters of work (credits) generally equate to 10 years of work, in certain cases the work of a spouse or parent adds qualifying quarters. The Social Security Administration can provide information on how to count qualifying quarters (credits) of work.</p> <p>The obligation also ends if you or the sponsored immigrant dies or if the sponsored immigrant ceases to be a lawful permanent resident and departs the United States. Divorce does not end the sponsorship obligation.</p> <p>12. Do I Need to Submit a Separate Affidavit for Each Family Member?</p> <p>You must submit a Form I-864 affidavit of support for each intending immigrant you are sponsoring. You may submit photocopies if you are sponsoring more than one intending immigrant listed on the same affidavit of support. Separate affidavits of support are required for intending immigrants for whom different Form I-130 family-based petitions were filed. For instance, if you are sponsoring</p>
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	<p>both parents, each will need an original affidavit of support and accompanying documentation since you were required to submit separate Form I-130 visa petitions for each parent. Often a spouse or minor children obtain visas or adjust status as dependents of a relative, based on the same visa petition. If you are sponsoring such dependents, you only need to provide a photocopy of the original Form I-864, as long as these dependents are immigrating at the same time as the principal immigrant or within 6 months of the time he or she immigrates to the United States. You do not need to provide copies of the supporting documents for each of the photocopied Forms I-864.</p>
New	
Page 10, Where to File?	<p>[Page 10] Where to File? Please see the USCIS Web site at www.uscis.gov/I-864 or call the USCIS National Customer Service Center at 1-800-375-5283 for the most current information about where to file this benefit request. For TDD (hearing impaired) call: 1-800-767-1833.</p>
Pages 10-11, Address Changes	<p>[Page 10] Address Changes If you have changed your address, you must inform USCIS of your new address within 30 days of the change. To do this, you must complete and file a Form I-865, Sponsor's Change of Address. For information on filing Form I-865, go to the USCIS Web site at www.uscis.gov/I-865 or contact the National Customer Service</p>

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	<p>Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.</p> <p>Note: Do not complete Form I-865 at the same time that you complete the Form I-864. You should complete and submit Form I-865 to USCIS only when the address you indicated on the original Form I-864 has changed.</p> <p>[Page 11]</p> <p>This requirement does not relieve a lawful permanent resident sponsor from filing a change of address within 10 days of the change. For information on filing a change of address, go to the USCIS Web site at www.uscis.gov/addresschange or contact the National Customer Service Center at 1-800-375-5283.</p> <p>Do not send your change of address form to a Lockbox facility because the USCIS Lockbox facilities do not process change of address requests.</p>
<p>New</p>	

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Page 11, USCIS Forms and Information	<p>[Page 11]</p> <p>USCIS Forms and Information</p> <p>To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by telephoning our USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.</p> <p>As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, InfoPass. To access the system, visit the USCIS Web site. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen.</p>
Page 11, Penalties	<p>[Page 11]</p> <p>Penalties</p>

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	<p>The Government may pursue verification of any information provided on or in support of this form, including employment, income, or assets with the employer, financial or other institutions, the Internal Revenue Service, or the Social Security Administration. If you include in this affidavit of support any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.</p> <p>If you fail to give notice of your change of address, as required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3, you may be liable for the civil penalty established by 8 U.S.C. 1183a(d)(2). The amount of the civil penalty will depend on whether you failed to give this notice because you were aware that the immigrant(s) you sponsored had received Federal, State, or local means-tested public benefits.</p> <p>If the failure to report your change of address occurs with knowledge that the sponsored immigrant received means-tested public benefits (other than benefits described in section 401(b), 403(c)(2), or 411(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which are summarized in the contract in Part 8) such failure may result in a fine of not less than \$2,000 or more than \$5,000. Otherwise, the failure to report your change of address may result in a fine not less than \$250 or more than \$2,000.</p>
<p>Pages 11-12, USCIS Privacy Act Statement</p>	<p>[Page 11]</p> <p>USCIS Privacy Act Statement</p> <p>AUTHORITIES: The information requested on this benefit application, and the associated evidence, is collected pursuant to Section 213A(i) of the Immigration and Nationality Act, as amended.</p> <p>PURPOSE: The primary purpose for providing the requested information on this corresponding benefit application is to</p>

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	<p>show that the applying immigrant has enough financial support to live without concern of becoming reliant on U.S. government welfare.</p> <p>DISCLOSURE: Section 213A(i) of the Immigration and Nationality Act requires the collection of your Social Security number. Failure to provide the requested information, and any requested evidence, may prevent USCIS from accepting and approving this application, and the intending immigrant may not be able to immigrate to the United States.</p> <p>[Page 12]</p> <p>ROUTINE USES: The information you provide on this benefit application may be shared with other federal, state, local, and foreign government agencies and authorized organizations in accordance with approved routine uses, as described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File (A-File) and Central Index System (CIS), which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate for law enforcement purposes or in the interest of national security.</p> <p>The information may also, as a matter of routine use, be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration consistent with the consent signed as part of the contract in Part 8. of the Form I-864</p>
<p>Page 12, Paperwork Reduction Act</p>	<p>[Page 12]</p> <p>Paperwork Reduction Act</p> <p>An agency may not conduct or sponsor an</p>

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	<p>information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 6 hours per form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140. OMB No. 1615-0075. Do not mail your completed Form I-864 affidavit to this address.</p>
<p>Page 13, Check List</p>	<p>[Page 13]</p> <p>Check List</p> <p>The following items must be submitted with Form I-864:</p> <p>For ALL sponsors:</p> <p>A copy of your individual Federal income tax return, including W-2s for the most recent tax year, or a statement and/or evidence describing why you were not required to file. Also include a copy of each and every Form 1099, Schedule, and any other evidence of reported income. You may submit this information for the most recent 3 tax years, pay stub(s) from the most recent 6 months, and/or a letter from your employer if you believe any of these items will help you qualify.</p> <p>For SOME sponsors:</p> <p>If you are currently self-employed, a copy of your Schedule C, D, E or F from your most recent Federal Tax Return which establishes your income from your business.</p> <p>If you are sponsoring more than one intending immigrant listed on the same</p>

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affidavit of support, **photocopies of the original affidavit of support** may be submitted for any additional intending immigrants listed. Copies of supporting documentation are not required for these family members.

If you are the petitioning sponsor and on active duty in the U.S. Armed Forces and are sponsoring your spouse or child using 100 percent of governing poverty guideline **proof of your active military status.**

If you are using the income of persons in your household or dependents to qualify,

A separate **Form I-864A** for each person whose income you will use. However, an intending immigrant whose income is being used needs to complete Form I-864A only if his or her spouse and/or children are immigrating with him or her.

Proof of their residency in your household and relationship to you if they are not the intending immigrants or are not listed as dependents on your Federal income tax return for the most recent tax year.

Proof that the intending immigrant's current employment **will continue from the same source** if his or her income is being used.

A copy of their individual **Federal income tax return, including W-2s and 1099s**, for the most recent tax year, or evidence that they were not required to file. You may submit this information for the most recent 3 years if you believe it will help you qualify.

If you use your assets or the assets of a household member to qualify,

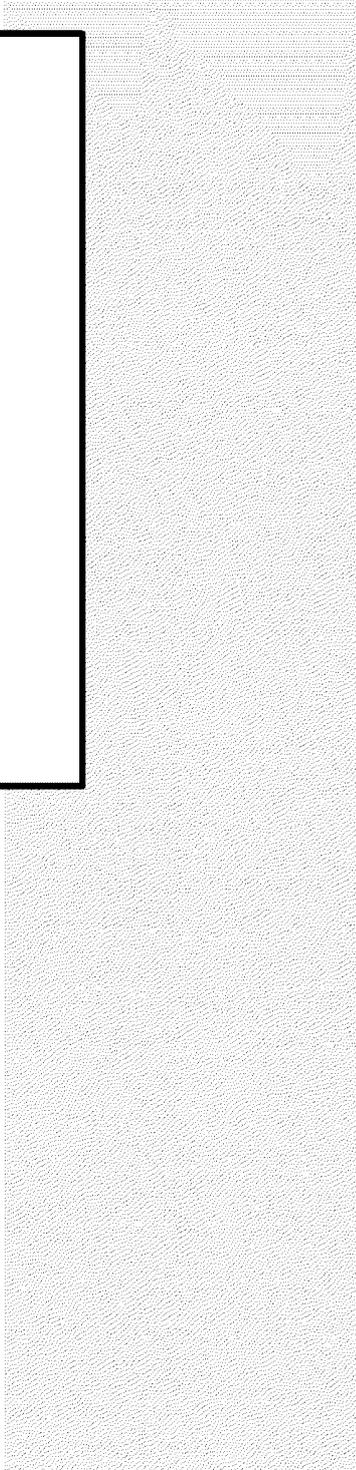
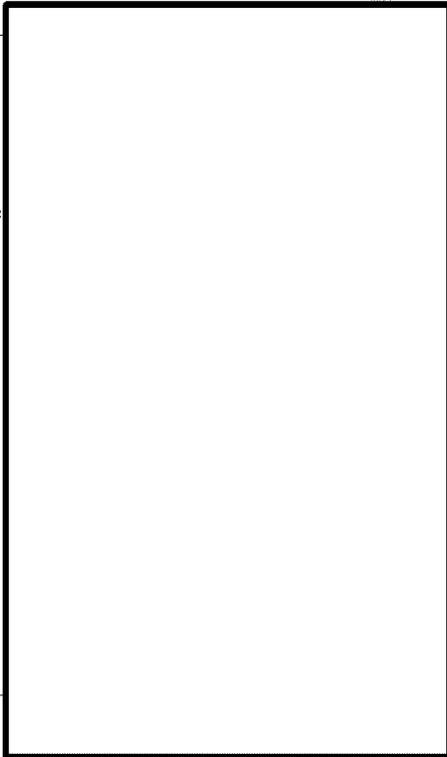
Documentation of assets establishing location, ownership, date of acquisition and value. Evidence of any liens or liabilities against these assets.

A separate **Form I-864A** for each household member using assets other than for the intending immigrant.

If you are a joint sponsor, substitute

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	<p>sponsor, or the relative of an employment-based immigrant requiring an affidavit of support, proof of your citizenship status, U.S. national status or lawful permanent resident status.</p> <p>For U.S. citizens or nationals, a copy of your birth certificate, passport, or certificate of naturalization or citizenship.</p> <p>For lawful permanent residents, a copy of both sides of your Form I-551, Permanent Resident Card.</p>
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Form I-864, Form TOC
Affidavit of Support Under Section 213A of the INA
OMB Number: 1615-0075
Date: 3/30/2015 (b)(5)

Reason for Revision: Updates to format, standard language, and edits provided by subject matter experts.

Location	Current Text	Proposed Text
<p>Page 1, Part 1. Basis For Filing Affidavit of Support</p>	<p>[Page 1]</p> <p>Part 1. Basis For Filing Affidavit of Support</p> <p>1. _____ am the sponsor submitting this affidavit of support because (<i>Check only one box</i>):</p> <p>1.a. I am the petitioner. I filed or am filing for the immigration of my relative.</p> <p>1.b. I filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____.</p> <p>1.c. I have an ownership interest of at least 5 percent in _____ which filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____.</p> <p>1.d. I am the only joint sponsor.</p> <p>1.e. I am the ___ first ___ second of two joint sponsors.</p> <p>1.f. The original petitioner is deceased. I am the substitute sponsor. I am the intending immigrant's _____.</p> <p>NOTE: If you check box 1.b., 1.c., 1.d., 1.e., or 1.f., you must include proof of your citizenship, national, or lawful permanent resident status.</p>	<div style="border: 2px solid black; height: 380px; width: 100%;"></div>
<p>Page 1, Part 2. Information on the Principal</p>	<p>[Page 1]</p> <p>Part 2. Information on the Principal Immigrant</p>	<div style="border: 2px solid black; height: 58px; width: 100%;"></div>

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Immigrant	<p>1.a. Family Name (Last Name) 1.b. Given Name (First Name) 1.c. Middle Name</p> <p>Mailing Address</p> <p>2.a. Street Number and Name 2.b. Apt. Ste. Flr. 2.c. City or Town 2.d. State 2.e. Zip Code 2.f. Postal Code 2.g. Province 2.h. Country</p> <p>Other Information</p> <p>3. Country of Citizenship 4. Date of Birth (mm/dd/yyyy) 5. Alien Registration Number (A-Number)</p>
Pages 2-3, Part 3. Information on the Immigrant(s) You Are Sponsoring	<p>[Page 2]</p> <p>Part 3. Information on the Immigrant(s) You Are Sponsoring</p> <p>1. I am sponsoring the principal immigrant named in Part 2. Yes No (Applicable only in cases with two joint sponsors)</p> <p>2. I am sponsoring the following family members immigrating at the same time or within 6 months of the principal immigrant named in Part 2. Do not include any relative listed on a separate visa petition.</p> <p>Family Member 1</p> <p>2.a. Family Name (Last Name) 2.b. Given Name (First Name) 2.c. Middle Name</p> <p>2.d. Relationship to Sponsored Immigrant 2.e. Date of Birth (mm/dd/yyyy) 2.f. Alien Registration Number (A-Number)</p> <p>Family Member 2</p> <p>3.a. Family Name (Last Name) 3.b. Given Name (First Name)</p>

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	<p>3.c. Middle Name</p> <p>3.d. Relationship to Sponsored Immigrant 3.e. Date of Birth (<i>mm/dd/yyyy</i>) 3.f. Alien Registration Number (A-Number)</p> <p>Family Member 3 4.a. Family Name (Last Name) 4.b. Given Name (First Name) 4.c. Middle Name</p> <p>4.d. Relationship to Sponsored Immigrant 4.e. Date of Birth (<i>mm/dd/yyyy</i>) 4.f. Alien Registration Number (A-Number)</p> <p>Family Member 4 5.a. Family Name (Last Name) 5.b. Given Name (First Name) 5.c. Middle Name</p> <p>5.d. Relationship to Sponsored Immigrant 5.e. Date of Birth (<i>mm/dd/yyyy</i>) 5.f. Alien Registration Number (A-Number)</p> <p>Family Member 5 6.a. Family Name (Last Name) 6.b. Given Name (First Name) 6.c. Middle Name</p> <p>[Page 3]</p> <p>6.d. Relationship to Sponsored Immigrant 6.e. Date of Birth (<i>mm/dd/yyyy</i>) 6.f. Alien Registration Number (A-Number)</p> <p>7. Enter the total number of immigrants you are sponsoring on this form from Items 1-6.</p>
<p>Page 3, Part 4. Information on the Sponsor</p>	<p>[Page 3]</p> <p>Part 4. Information on the Sponsor</p> <p><i>Sponsor's Full Name</i> 1.a. Family Name (Last Name)</p>

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- 1.b. Given Name (First Name)
- 1.c. Middle Name

Sponsor's Mailing Address

- 2.a. Street Number and Name
- 2.b. Apt. Ste. Flr.
- 2.c. City or Town
- 2.d. State
- 2.e. Zip Code
- 2.f. Postal Code
- 2.g. Province
- 2.h. Country

Sponsor's Place of Residence

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State
- 3.e. Zip Code
- 3.f. Postal Code
- 3.g. Province
- 3.h. Country

Other Information

- 4. Telephone Number
- 5. Country of Domicile
- 6. Date of Birth (*mm/dd/yyyy*)

[Page 4]

- 7. City or Town of Birth
- 8. State or Province of Birth
- 9. Country of Birth
- 10. U.S. Social Security Number (*Required*)

Citizenship/Residency

- 11.a. I am a U.S. citizen
- 11.b. I am a U.S. national (for joint sponsors only).
- 11.c. I am a lawful permanent resident.

My alien registration number is:

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	<p>Military Service <i>(To be completed by petitioner sponsors only.)</i></p> <p>12. I am currently on active duty in the U.S. armed services. Y/N</p>
<p>Page 4, Sponsor's Household Size</p>	<p>[Page 4]</p> <p>Part 5. Sponsor's Household Size</p> <p>Your Household Size – <u>DO NOT COUNT ANYONE TWICE.</u></p> <p><i>Persons you are sponsoring in this affidavit:</i></p> <p>1. Enter the number you entered on line 7 of Part 3.</p> <p><i>Persons NOT sponsored in this affidavit:</i></p> <p>2. Yourself. 1</p> <p>3. If you are currently married, enter "1" for your spouse.</p> <p>4. If you have dependent children, enter the number here.</p> <p>5. If you have any other dependents, enter the number here.</p> <p>6. If you have sponsored any other persons on an I-864 or I-864 EZ who are now lawful permanent residents, enter that number here.</p> <p>7. OPTIONAL: If you have <u>siblings, parents, or adult children</u> with the same principal residence who are combining their income with yours by submitting Form I-864A, enter the number here.</p> <p>8. Add together lines 1-7 and enter the number here. Household size:</p>
<p>Page 5, Part 6. Sponsor's Income and Employment</p>	<p>[Page 4]</p> <p>Part 6. Sponsor's Income and Employment</p> <p>I am currently</p> <p>1. Employed as a/an</p>

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<p>1.a. Name of Employer #1 <i>(if applicable)</i> 1.b. Name of Employer #2 <i>(if applicable)</i></p> <p>2. Self-employed as a/an</p> <p>3. Retired from: 3.a. Company Name 3.b. Date of Retirement <i>(mm/dd/yyyy)</i></p> <p>[Page 5]</p> <p>4. Unemployed since <i>(mm/dd/yyyy)</i></p> <p>5. My current individual annual income is: <i>(See instructions)</i> \$</p> <p>Income you are using from any other person who was counted in your household size, including, in certain conditions, the intending immigrant. (See Instructions.) Please indicate name, relationship and income.</p> <p>Person 1 6.a. Name 6.b. Relationship 6.c. Current Income</p> <p>Person 2 7.a. Name 7.b. Relationship 7.c. Current Income</p> <p>Person 3 8.a. Name 8.b. Relationship 8.c. Current Income</p> <p>Person 4 9.a. Name 9.b. Relationship 9.c. Current Income</p> <p>10. My current Annual Household Income <i>(Total all lines from 5, 6.c., 7.c., 8.c., and 9.c.. Will be compared to Poverty Guidelines -- See Form I-864P.)</i></p> <p>11. The person(s) listed in 6.a., 7.a., 8.a., and 9.a. have completed Form I-864A. I am filing along with this form all necessary Forms I-864A completed by these person(s).</p>
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	<p>12. The person(s) listed in 6.a., 7.a., 8.a., or 9.a does not need to complete Form I-864A because he/she is the intending immigrant and has no accompanying dependents.</p> <p>Name(s)</p> <p>Federal income tax return information</p> <p>13. I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for only the most recent tax year.</p> <p>[Page 6]</p> <p>My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal income tax returns for the most recent 3 years was:</p> <table border="1"><thead><tr><th>Tax Year</th><th>Total Income</th></tr></thead><tbody><tr><td>13.a. _____ (most recent)</td><td>13.a.1</td></tr><tr><td>13.b. _____ (2nd most recent)</td><td>13.b.1.</td></tr><tr><td>13.c. _____ (3rd most recent)</td><td>13.c.1.</td></tr></tbody></table> <p>14. (Optional) I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.</p>	Tax Year	Total Income	13.a. _____ (most recent)	13.a.1	13.b. _____ (2 nd most recent)	13.b.1.	13.c. _____ (3 rd most recent)	13.c.1.
Tax Year	Total Income								
13.a. _____ (most recent)	13.a.1								
13.b. _____ (2 nd most recent)	13.b.1.								
13.c. _____ (3 rd most recent)	13.c.1.								
<p>Page 6, Part 7. Use of Assets to Supplement Income (optional)</p>	<p>[Page 6]</p> <p>Part 7. Use of Assets to Supplement Income (optional)</p> <p><i>If your income, or the total income for you and your household, from Part 6, line 10 exceeds the Federal Poverty Guidelines for your household size, YOU ARE NOT REQUIRED to complete this Part. Skip to</i></p>								

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<p>Part 8.</p> <p>Your assets (<i>Optional</i>)</p> <p>1. Enter the balance of all savings and checking accounts.</p> <p>2. Enter the net cash value of real-estate holdings. (Net means current assessed value minus mortgage debt.)</p> <p>3. Enter the net cash value of all stocks, bonds, certificates of deposit, and any other assets not already included in lines 1 or 2.</p> <p>4. Add together lines 1-3 and enter the number here. TOTAL: \$ _____</p> <p>Assets from Form I-864A, line 12d for:</p> <p>5.a. Name of Relative</p> <p>5.b. Your household member's assets from Form I-864A. (<i>Optional</i>)</p> <p>Assets of the principal sponsored immigrant (<i>Optional</i>). The principal sponsored immigrant is the person listed in lines 1.a. – 1.c. in Part 2.</p> <p>6. Enter the balance of the sponsored immigrant's savings and checking accounts.</p> <p>7. Enter the net cash value of all the sponsored immigrant's real estate holdings. (Net means investment value minus mortgage debt.)</p> <p>8. Enter the current cash value of the sponsored immigrant's stocks, bonds, certificates of deposit, and other assets not included on line 6 or 7.</p> <p>9. Add together lines 6-8 of Part 7 and enter the number here.</p> <p>Total value of assets.</p> <p>10. Add together lines 4, 5.b., and 9 of Part 7 and enter the number here.</p>

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	TOTAL:
Page 8, Part 8. Sponsor's Contract	<p>[Page 7]</p> <p>Part 8. Sponsor's Contract</p> <p><i>Please note that, by signing this Form I-864, you agree to assume certain specific obligations under the Immigration and Nationality Act and other Federal laws. The following paragraphs describe those obligations. Please read the following information carefully before you sign the Form I-864. If you do not understand the obligations, you may wish to consult an attorney or accredited representative.</i></p> <p>What is the Legal Effect of My Signing a Form I-864?</p> <p>If you sign a Form I-864 on behalf of any person (called the "intending immigrant") who is applying for an immigrant visa or for adjustment of status to a lawful permanent resident, and that intending immigrant submits the Form I-864 to the U.S. Government with his or her application for an immigrant visa or adjustment of status, under section 213A of the Immigration and Nationality Act these actions create a contract between you and the U. S. Government. The intending immigrant's becoming a permanent resident is the "consideration" for the contract.</p> <p>Under this contract, you agree that, in deciding whether the intending immigrant can establish that he or she is not inadmissible to the United States as an alien likely to become a public charge, the U.S. Government can consider your income and assets to be available for the support of the intending immigrant.</p> <p>What If I choose Not to Sign a Form I-864?</p>

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You cannot be made to sign a Form I-864 if you do not want to do so. But if you do not sign the Form I-864, the intending immigrant may not be able to become a lawful permanent resident in the United States.

What Does Signing the Form I-864 Require Me to do?

If an intending immigrant becomes a lawful permanent resident in the United States based on a Form I-864 that you have signed, then, until your obligations under the Form I-864 terminate, you must:

-- Provide the intending immigrant any support necessary to maintain him or her at an income that is at least 125 percent of the Federal Poverty Guidelines for his or her household size (100 percent if you are the petitioning sponsor and are on active duty in the U.S. Armed Forces and the person is your husband, wife, unmarried child under 21 years old.)

-- Notify USCIS of any change in your address, within 30 days of the change, by filing Form I-865.

What Other Consequences Are There?

If an intending immigrant becomes a permanent resident in the United States based on a Form I-864 that you have signed, then until your obligations under the Form I-864 terminate, your income and assets may be considered ("deemed") to be available to that person, in determining whether he or she is eligible for certain Federal means-tested public benefits and also for State or local means-tested public benefits, if the State or local government's rules provide for consideration ("deeming") of your income and assets as available to the person.

This provision does **not** apply to public benefits specified in section 403(c) of the Welfare Reform Act such as, but not limited to, emergency Medicaid, short-

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term, non-cash emergency relief; services provided under the National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; and means-tested programs under the Elementary and Secondary Education Act.

What If I Do Not Fulfill My Obligations?

If you do not provide sufficient support to the person who becomes a lawful permanent resident based on the Form I-864 that you signed, that person may sue you for this support.

[Page 8]

If a Federal, State or local agency, or a private agency provided any covered means-tested public benefit to the person who becomes a lawful permanent resident based on the Form I-864 that you signed, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.

If you are sued, and the court enters a judgment against you, the person or agency that sued you may use any legally permitted procedures for enforcing or collecting the judgment. You may also be required to pay the costs of collection, including attorney fees.

If you do not file a properly completed Form I-865 within 30 days of any change of address, USCIS may impose a civil fine for your failing to do so.

When Will These Obligations End?

Your obligations under a Form I-864 will end if the person who becomes a permanent resident based on a Form I-864 that you signed:

1. Becomes a U.S. citizen;
2. Has worked, or can be credited with, 40 quarters of coverage under the Social Security Act;

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3. No longer has lawful permanent resident status, and has departed the United States;

4. Becomes subject to removal, but applies for and obtains in removal proceedings a new grant of adjustment of status, based on a new affidavit of support, if one is required; or

5. Dies.

Note that divorce **does not** terminate your obligations under this Form I-864.

Your obligations under a Form I-864 also end if you die. Therefore, if you die, your Estate will not be required to take responsibility for the person's support after your death. Your Estate may, however, be responsible for any support that you owed before you died.

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I, _____ (*Print Sponsor's Name*)
certify under penalty of perjury under the
laws of the United States that:

a. I know the contents of this affidavit of
support that I signed.

**b. All the factual statements in this
affidavit of support are true and correct.**

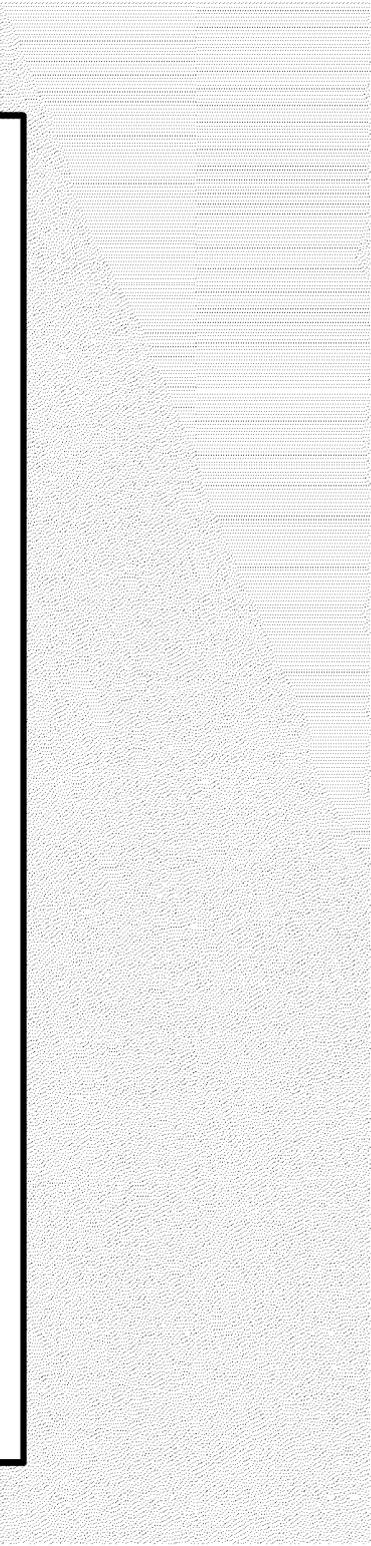
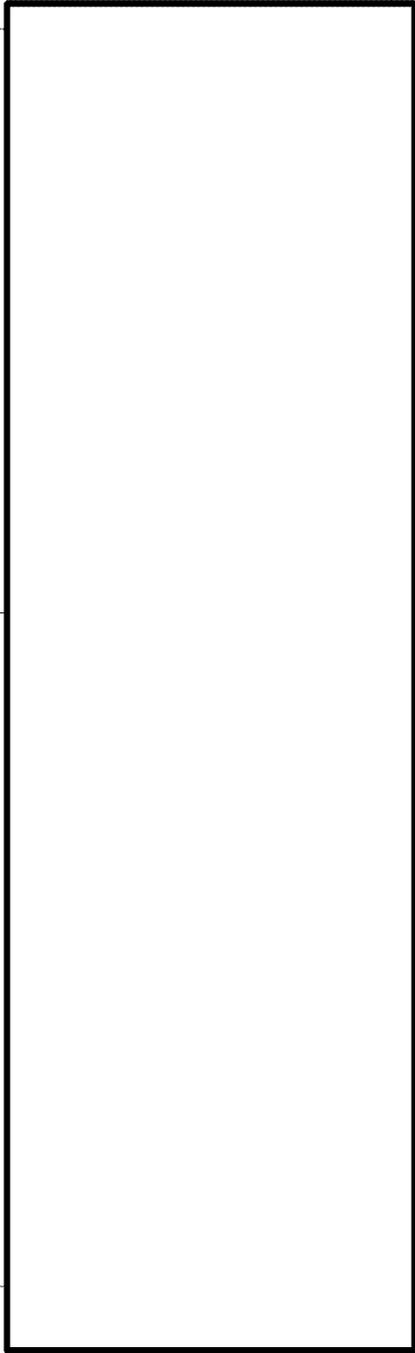
c. I have read and I understand each of the
obligations described in Part 8, and I agree,
freely and without any mental reservation or
purpose of evasion, to accept each of those
obligations in order to make it possible for
the immigrants indicated in Part 3 to become
lawful permanent residents of the United
States;

d. I agree to submit to the personal
jurisdiction of any Federal or State court
that has subject matter jurisdiction of a
lawsuit against me to enforce my
obligations under this Form I-864;

e. Each of the Federal income tax returns
submitted in support of this affidavit are
true copies, or are unaltered tax
transcripts, of the tax returns I filed with
the U.S. Internal Revenue Service; and

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	<p>f. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.</p> <p>g. Any and all other evidence submitted is true and corrects.</p> <p>1.a. Signature of the Sponsor 1.b. Date of Signature (<i>mm/dd/yyyy</i>)</p>
<p>New</p>	

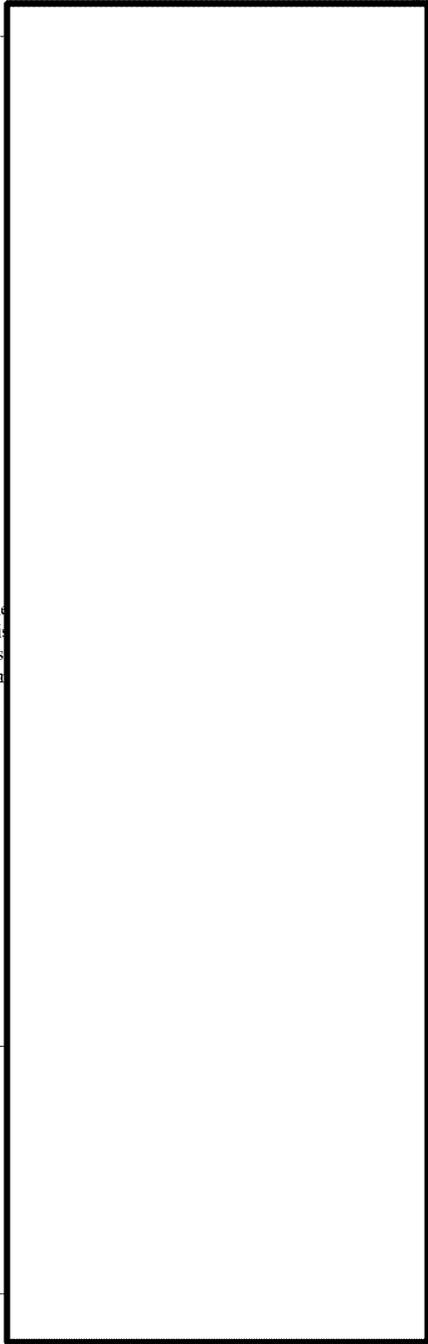


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Page 9, Information on Preparer, If Prepared By someone Other Than the Sponsor	<p>[Page 9]</p> <p>Part 9. Information on Preparer, If Prepared By Someone Other Than the Sponsor</p> <p><i>Preparer's Full Name</i> 1.a. Preparer's Family Name (Last Name) 1.b. Preparer's Given Name (First Name) 2. Preparer's Business or Organization Name (if any)</p> <p><i>Preparer's Mailing Address</i> 3.a. Street Number and Name 3.b. Apt. Ste. Flr. 3.c. City or Town 3.d. State 3.e. Zip Code 3.f. Province 3.g. Postal Code 3.h. Country</p>

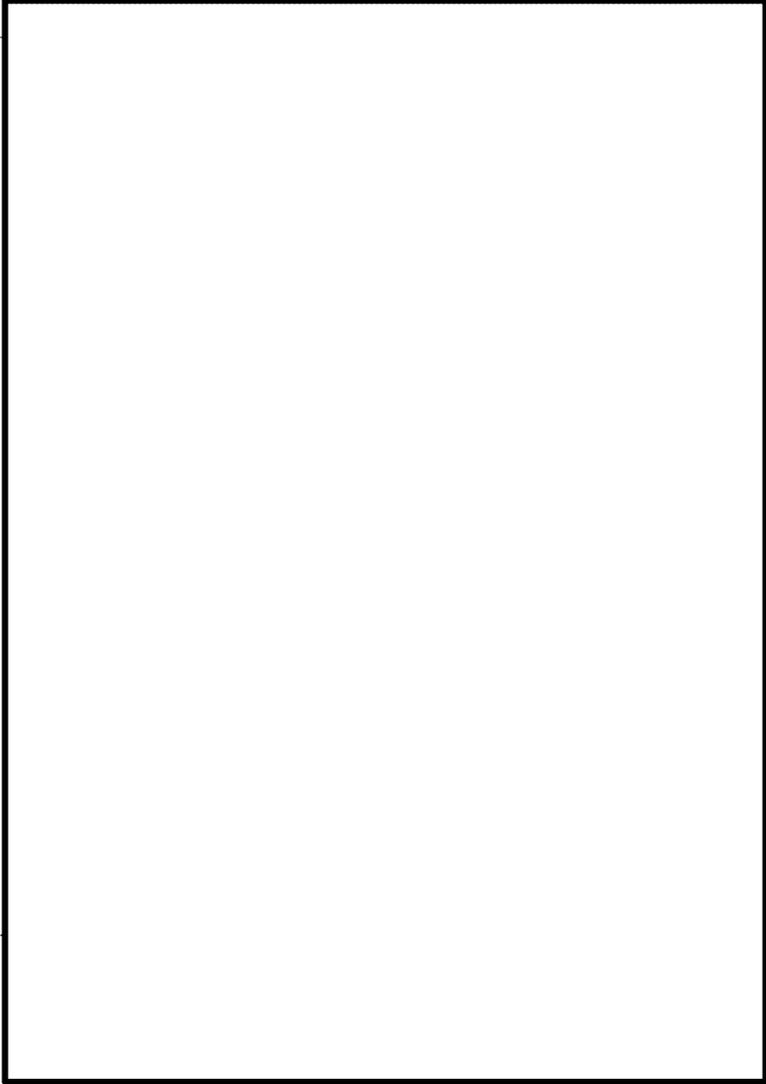
(b)(5)

	<p>Preparer's Contact Information</p> <p>4. Preparer's Daytime Telephone Number</p> <p>5. Preparer's Email Address</p> <p>6. Business State ID # (if any)</p> <p>Declaration</p> <p>I certify under penalty of perjury under the laws of the United States that I prepared this affidavit of support at the sponsor's request and that this affidavit of support is based on all information of which I have knowledge.</p> <p>7.a. Signature of Preparer</p> <p>7.b. Date of Signature (mm/dd/yyyy)</p>
New	



(b)(5)

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FW: Form I-864

Wednesday, December 30, 2015
7:52 AM

Subject	FW: Form I-864
From	Ramsay, John R
To	Nazer, David I
Sent	Tuesday, June 16, 2015 11:13 AM
Attachments	 I-864 Com...

David, I am trying to figure this out. I sent the 3/30 versions of the forms and instructions to OMB. We received one comment from AILA that we were rejecting, so that should mean no other changes to the forms and instructions. Elizabeth said that on 5/1 they were finalizing changes again, but what were the changes the result of?

I know we were on a tight schedule, but what occurred between 3/30 and 5/1 to necessitate changes to the forms or instructions. I am asking because OMB needs to know before I can upload 5/5 versions.

I am leaving at 12:30, but can you call me on my cell and let me know. It is bothering me.

John Ramsay
Management Program Analyst
Regulatory Coordination Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-8664

AT&T Connect 888-844-9904 Access Code 9488145 <https://connect16.uc.att.com/uscis/meet/?>

[ExEventID=89488145](#)

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From: Johnson, David P
Sent: Monday, May 04, 2015 11:27 AM
To: Post, Elizabeth A
Cc: Nazer, David I; Wilson, Lynn M; Ramsay, John R
Subject: RE: Form I-864

Hello Elizabeth, I'm aware of one AILA comment. Phillip Elder, OCC provided the response below. AILA also identified 2 typos below.

AILA comment – AILA continues to be concerned with the expanded language of the preparer's certification. The proposed language reads:

By my signature, I certify, swear, or affirm, under penalty of perjury, that I prepared this affidavit on behalf of, at the request of, and with the express consent of the sponsor. I completed this affidavit based only on responses the sponsor provided to me. After completing the affidavit, I reviewed it and all of the responses with the sponsor, who agreed with every answer on the affidavit. If the sponsor supplied additional information concerning a question on the affidavit, I recorded it on the affidavit.

This language is repetitive, confusing, and imposes a burdensome and unnecessary process for preparing and reviewing the Form I-864. Preparers are already required, under applicable regulations, to attest to the veracity and truth of what is submitted. Under 8 CFR §103.2(a)(2), “[b]y signing the benefit request, the ... petitioner ... certifies under penalty of perjury that the benefit request, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct.” Moreover, under 8 CFR §1003.102(j)(1), “[t]he signature of a practitioner on any filing [or] application ... constitutes certification by the signer that the signer has read the filing [or] application ... and that, to the best of the signer’s knowledge, information, and belief, formed after inquiry reasonable under the circumstances, the document is well-grounded in fact” An attorney who engages in frivolous behavior or who knowingly or with reckless disregard makes a false statement of material fact or law is subject to disciplinary sanctions including disbarment or suspension. *See generally* 8 CFR §1003.101–108.

Any concerns about fraud Any concerns about fraud detection and prevention are more than adequately covered in the existing regulations cited above. Moreover, it is beyond the authority of USCIS to stipulate a specific review procedure for attorneys and their clients and require that it be followed. The Preparer’s Certification, therefore, unnecessarily impinges on the rights of sponsor and their legal representatives to determine their own legitimate procedures in the preparation of the form. As such, AILA urges USCIS to revise the “Preparer’s Certification” to read as follows:

By my signature, I certify, swear, or affirm, under penalty of perjury, that I prepared this form on behalf of the sponsor, or another individual authorized to sign this form pursuant to form instructions. I prepared this form at his or her request, and with his or her express consent, and I understand that the preparation of this form does not grant the petitioner or beneficiary any immigration status or benefit.

Page 9, Part 8 – Sponsor’s Certification

This section allowing USCIS to access “*any and all of my records that USCIS may need*” is overbroad, and may violate privacy laws. While we agree that USCIS has the authority to obtain records related to the sponsor that are maintained by other agencies within the Department of Homeland Security and the State Department, this statement seems to go beyond the acceptable parameters. We do not believe that the sponsor should be compelled to allow USCIS to retrieve non-public information or release the sponsor’s information to any branch of the U.S. government, private companies, or the governments of foreign countries. We strongly object to this provision, and ask that it be revised to protect the privacy interests of sponsors. Please note that this section also says “*determine my eligibility for the benefit that I seek.*” A Form I-864 sponsor is not necessarily seeking a benefit, so this statement should be revised.

Miscellaneous

The proposed form instructions impose additional requirements on sponsors who are under legal guardianship: “*The guardian must present proof of the appointment as guardian of your estate and a copy of an order from the appointing court or agency specifically permitting the guardian to make your income and assets available for the support of the sponsored immigrant. “Guardian” includes any person who is appointed and authorized by law to protect your estate as a result of your incapacity.*” Requiring a guardian to obtain a court order or agency order specific to the Form I-864 is overly burdensome and appears to undermine the very purpose and veracity of the court or agency’s initial guardianship determination. Moreover, to require a court or agency order specifically permitting the guardian to make the sponsor’s income and assets available for the purpose of supporting the immigrant will significantly delay the permanent residence process. The initial court or agency order granting guardianship should be sufficient for this purpose.

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Additionally, there are two typos that AILA identified:

- **p. 6, part 13** — “The persons listed in...does not need...” should read either “The persons listed in...do not need...” or “The person listed in...does not need...”
- **p. 8, part 8** — in the "continued" box at the top left, there's a comma after the first word ["Sponsor's,"] that should be deleted.

Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Post, Elizabeth A
Sent: Friday, May 01, 2015 12:06 PM
To: Nazer, David I; Johnson, David P
Cc: Wilson, Lynn M; Post, Elizabeth A
Subject: Form I-864
Importance: High

Hi David and David,

We are in the process of preparing the Form I-864 suite of forms to move back to OMB, and we wanted to check in with you to see if you have received any comments during the 30 day period of public review? If you have received comments, will any of them require that we make edits to any of the I-864 forms?

Thanks for your help,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867
Telework Telephone (W,) (b)(6)

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RE: Hi Mary

Wednesday, December 30, 2015

8:47 AM

Subject	RE: Hi Mary
From	Flores, Mary F
To	Nazer, David I; Ramsay, John R
Sent	Thursday, December 18, 2014 2:19 PM
Attachments	 G-1056 for...

Hi David,

Can you give me a call tomorrow morning when you get in the office? I have a question in regards to the Form G-1056 for the Form I-864. I have never completed a G-1056 and would like some assistance with the executive summary part. John Ramsay assisted me in parts that I have completed. I am attaching the partially completed G-1056.

Thank you,
Mary

Mary Flores | Adjudications Officer | Adjustment of Status | DHS-USCIS | Field Operations Directorate/202 272-8258 desk 202 695-5623 cell

From: Nazer, David I
Sent: Thursday, December 18, 2014 9:55 AM
To: Flores, Mary F
Subject: Hi Mary

Hi Mary,

I was just returning your call.

Just wanted to see if you needed anything. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Originating/Sponsoring Office: Field Operations Originating Official: Kristi Krebs

Contact Officer's Name: Mary Flores E-Mail: Kristie.L.Krebs@uscis.dhs.gov

Phone Number: (202) 272-8258 Date Clearance Initiated: _____ Suspense Date: _____

Subject: Form I-864

PRIORITY LEVEL (Check one): Routine Prompt Urgent **Note:** If you designate the document either "Prompt" or "Urgent," you must explain why in the Executive Summary.

EXECUTIVE SUMMARY:

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<input checked="" type="checkbox"/> Internet (www.uscis.gov)	<input type="checkbox"/> _____	
<input type="checkbox"/> Press needed	<input type="checkbox"/> _____	
<input type="checkbox"/> All outlets	<input type="checkbox"/> _____	
<input type="checkbox"/> _____	<input type="checkbox"/> _____	

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Citizenship	X		Administration		X	Privacy	X	
Communications	X		Chief Financial Officer		X	RAIO Directorate		X
CSPE Directorate		X	Contracting		X	Service Center Ops Directorate	X	
Enterprise Svcs Directorate		X	Equal Opp & Inclusion		X	Transformation		X
Executive Secretariat		X	Human Capital & Training		X			
Field Operations Directorate	X		Information Technology		X			
FDNS Directorate	X		Intake & Document Prod.	X				
Front Office			Security & Integrity		X			

REVIEWING OFFICE'S CONCURRENCE OR NON-CONCURRENCE ACTION: (NOTE: The reviewing office's decision to Concur, Concur with Edits or Non-Concur applies to BOTH the content of the document AND the Publication/Dissemination/Web Publishing instructions.)

Name & Signature of Reviewer: _____

Office: _____ Telephone Number: _____ Date: _____

Check one: Concur Concur with Edits (attached) Non-Concur (attach explanation)

Remarks:

I-864EZ TOC (form and instructions)

Wednesday, December 30, 2015

8:04 AM

Subject	I-864EZ TOC (form and instructions)
From	Nazer, David I
To	Post, Elizabeth A; Johnson, David P
Sent	Friday, April 10, 2015 3:06 PM
Attachments	 I864EZ-INS...  I864EZ-FR...

Hi Elizabeth and David,

Attached are the TOCs for the I-864EZ Form and Instructions. I made comments where I saw something needed to be edited or deleted. I also saw one issue/text that also needs to be added to Form I-864 instructions (comment highlighted in green).

Please let me know if you have any questions. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Form I-864EZ, Form TOC

Affidavit of Support Under Section 213A of the Act

OMB Number: 1615-0075 (b)(5)

Date: 3/30/2015

Reason for Revision: Updates to format and standard language, and edits provided by subject matter experts

Location	Current Text	Proposed Text
Format	Full page format	
Page 1, Part 1. Qualifying to use Form I-864EZ	<p>START HERE. Type or print in black ink.</p> <p>1.a. I am the petitioner of the family member sponsored on this form. <input type="checkbox"/> Yes <input type="checkbox"/> No (Use Form I-864)</p> <p>1.b. I am using my own earned or retirement income which is documented using IRS Form W-2. <input type="checkbox"/> Yes <input type="checkbox"/> No (Use Form I-864)</p> <p>1.c. The sponsored immigrant is the only person immigrating based on the underlying visa petition. <input type="checkbox"/> Yes <input type="checkbox"/> No (Use Form I-864)</p>	
Page 1, Part 2. Information on the immigrant you are sponsoring	<p>1. Name of Immigrant Last Name First Name Middle Name</p> <p>2. Mailing Address Street Number and Name (include apartment number) City State or Province Zip/Postal Code</p>	

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	<p>Country</p> <p>3. Telephone Number (<i>Include area code or country and city codes</i>)</p> <p>4. Date of Birth (<i>mm/dd/yyyy</i>)</p> <p>5. Alien Registration Number (<i>if any</i>) A-</p> <p>6. Social Security Number (if any)</p>
<p>Page 2, Part 3. Information on the Sponsor (You)</p>	<p>7. Name of Sponsor Last Name First Name Middle Name</p> <p>8. Mailing Address</p> <p>Street Number and Name (<i>include apartment number</i>) City State or Province Zip/Postal Code</p> <p>Country</p> <p>9. Place of Residence (<i>if different from mailing address</i>)</p> <p>Street Number and Name (<i>include apartment number</i>) City</p>

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	<p>State or Province Zip/Postal Code</p> <p>Country</p> <p>10. Country of Domicile Country</p> <p>11. Date of Birth (<i>mm/dd/yyyy</i>)</p> <p>12. Place of Birth City State or Province Country</p> <p>13. U.S. Social Security Number (<i>required</i>)</p> <p>14. Citizenship/Residency ___ I am a U.S. citizen ___ I am a Lawful Permanent Resident. My alien registration number is A -</p> <p>15. Military Service I am currently on active duty in the U.S. armed services. Yes/No</p>
Page 2, Sponsor's household size.	<p>16. Your Household Size- <u>Do not count anyone twice.</u></p> <p>a. Yourself and the person you are sponsoring on this form.</p> <p>b. Your spouse.</p>

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	<p>c. Your dependent children under age 21.</p> <p>d. If you have sponsored any other persons on an I-864 who are now lawful permanent residents in the United States, enter the number here.</p> <p>e. If you have any other dependents listed on your most recent Federal Income tax return, enter the number here.</p> <p>f. Add together lines a, b, c, d and e and enter the number here.</p> <p>This is your HOUSEHOLD SIZE for the purposes of this form.</p>
<p>Page 3, Part 5. Sponsor's income and employment.</p>	<p>17. I am currently:</p> <p>a. Employed as a/an Name of Employer (if applicable)</p> <p>Name of Second Employer (if applicable)</p> <p>b. Retired since (mm/dd/yyyy) Name of Former Employer</p> <p>18. My individual annual income is currently:</p>

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	<p>19. Federal income tax information: I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for only the most recent tax year.</p> <p><i>(Optional)</i> I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.</p> <p>My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal tax returns for the most recent three years was:</p> <table border="0"><thead><tr><th style="text-align: left;">Tax Year</th><th style="text-align: left;">Total Income</th></tr></thead><tbody><tr><td>____ (most recent)</td><td>\$ _____</td></tr><tr><td>____ (2nd most recent)</td><td>\$ _____</td></tr><tr><td>____ (3rd most recent)</td><td>\$ _____</td></tr></tbody></table>	Tax Year	Total Income	____ (most recent)	\$ _____	____ (2 nd most recent)	\$ _____	____ (3 rd most recent)	\$ _____
Tax Year	Total Income								
____ (most recent)	\$ _____								
____ (2 nd most recent)	\$ _____								
____ (3 rd most recent)	\$ _____								
<p>Page 4, Part 6. Sponsor's Contract</p>	<p><i>Please note that, by signing this Form I-864EZ, you agree to assume certain specific obligations under the Immigration and Nationality Act and other Federal laws. The following paragraphs describe those obligations. Please read the following information carefully before you sign the Form I-864EZ. If you do not understand the obligations, you may wish to consult an attorney or accredited representative.</i></p>								

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What Is the Legal Effect of My Signing a Form I-864EZ?

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Under this contract, you agree that, in deciding whether the intending immigrant can establish that he or she is not inadmissible to the United States as an alien likely to become a public charge, the U.S. Government can consider your income and assets to be available for the support of the intending immigrant.

What If I Choose Not To Sign a Form I-864EZ?

You cannot be made to sign a Form I-864EZ if you do not want to do so. But if you do not sign the Form I-864EZ, the intending immigrant may not be able to become a permanent resident in the United States.

What Does Signing the Form I-864EZ Require Me to Do?

If an intending immigrant becomes a permanent resident in the United States based on a Form I-864EZ that you have signed, then, until your

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obligations under the Form I-864EZ terminate, you must:

- Provide the intending immigrant any support necessary to maintain him or her at an income that is at least 125 percent of the Federal Poverty Guidelines for his or her household size (100 percent if you are the petitioning sponsor and are on active duty in the U.S. Armed Forces and the person is your husband, wife, unmarried child under 21 years old.)
- Notify USCIS of any change in your address, within 30 days of the change, by filing Form I-865.

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National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; and means-tested programs under the Elementary and Secondary Education Act.

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If you do not provide sufficient support to the person who becomes a permanent resident based on the Form I-864EZ that you signed, that person may sue you for this support.

If a Federal, State or local agency, or a private agency provides any covered means-tested public benefit to the person who becomes a permanent resident based on the Form I-864EZ that you signed, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.

If you are sued, and the court enters a judgment against you, the person or agency that sued you may use any legally permitted procedures for enforcing or collecting the judgment. You may also be required to pay the costs of collection, including attorney fees.

If you do not file a properly completed Form I-865 within 30 days of any change of address, USCIS may impose a civil fine for your failing to do so.

When Will These Obligations End?

Your obligations under a Form I-

(b)(5)

864EZ will end if the person who becomes a permanent resident based on a Form I-864EZ that you signed:

- Becomes a U.S. Citizen;
- Has worked, or can be credited with, 40 quarters of coverage under the Social Security Act;
- No longer has lawful permanent resident status, and has departed the United States;
- Becomes subject to removal, but applies for and obtains in removal proceedings a new grant of adjustment of status, based on a new affidavit of support, if one is required; or
- Dies.

Note that divorce **does not** terminate your obligations under this Form I-864EZ.

Your obligations under a Form I-864EZ also end if you die. Therefore, if you die, your Estate will not be required to take responsibility for the person's support after your death. Your Estate may, however, be responsible for any support that you owed before you died.

(b)(5)

20. I, _____,
certify under penalty of
perjury under the laws of
the United States that:

a. I know the contents of this
affidavit of support that I signed.

b. All the factual statements in this

(b)(5)

affidavit of support are true and correct.

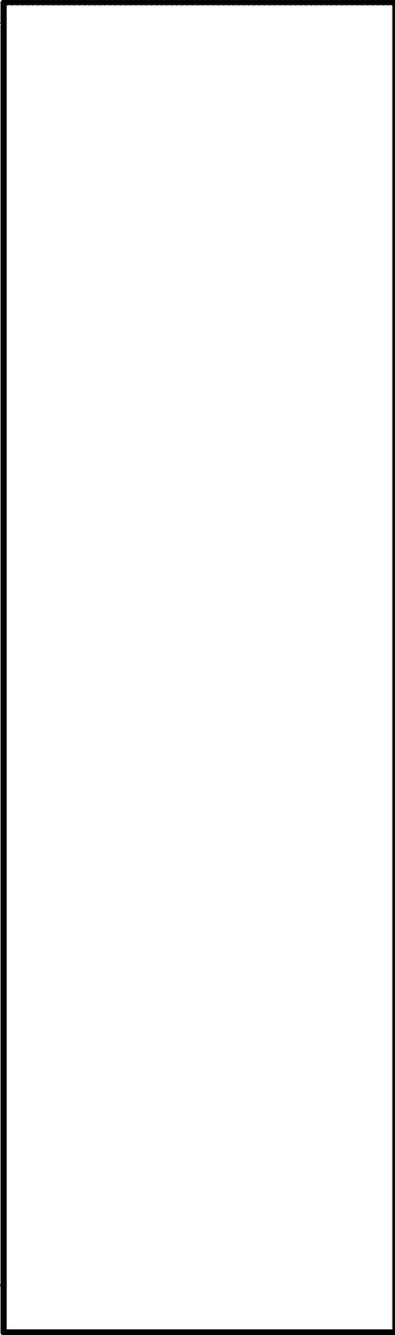
c. I have read and I understand each of the obligations described in Part 6, and I agree, freely and without any mental reservation or purpose of evasion, to accept each of those obligations in order to make it possible for the immigrant indicated in Part 2 to become a permanent resident of the United States;

d. I agree to submit to the personal jurisdiction of any Federal or State court that has subject matter jurisdiction of a lawsuit against me to enforce my obligations under this Form I-864;

e. Each of the Federal income tax returns submitted in support of this affidavit are true copies, or are unaltered tax transcripts, of the tax returns I filed with the U.S. Internal Revenue Service; and

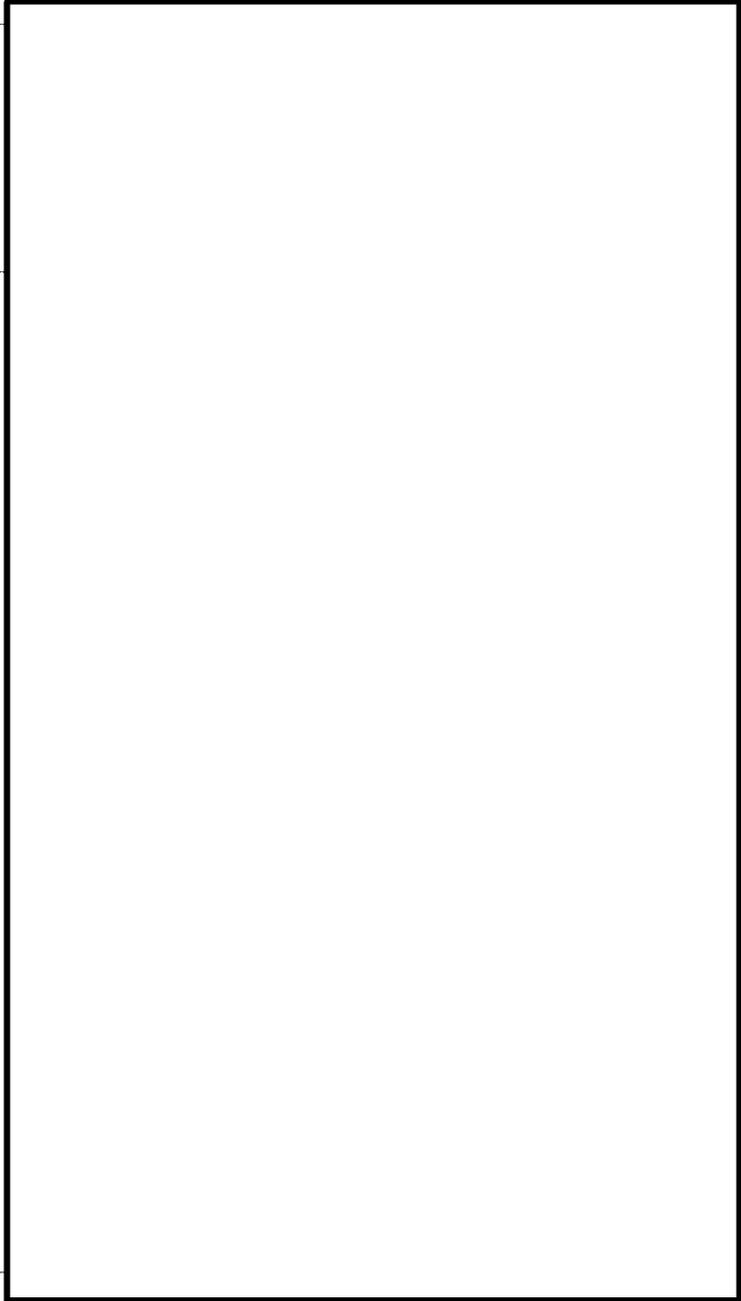
f. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.

g. Any other evidence submitted is true and correct.

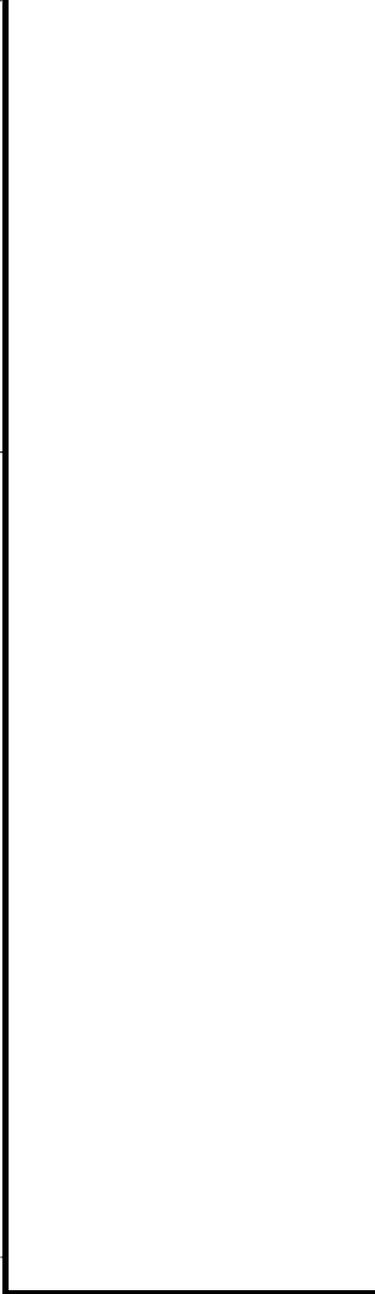


(b)(5)

	<p>21. (Sponsor's Signature) Date- mm/dd/yyyy</p>



(b)(5)

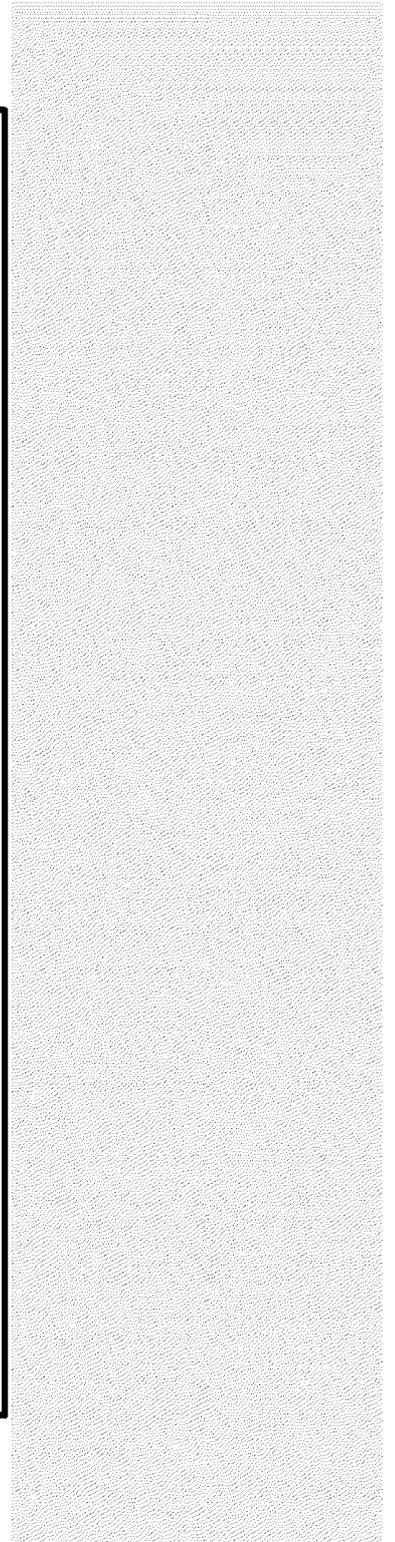
		
<p>Page 5, Part 7. Information on Preparer, if prepared by someone other than the sponsor</p>		

(b)(5)

	<p>I certify under penalty of perjury under the laws of the United States that I prepared this affidavit of support at the sponsor's request and that this affidavit of support is based on all information of which I have knowledge.</p> <p>Signature: Date (mm/dd/yyyy):</p> <p>Printed Name: Firm Name: Address: Telephone Number: E-Mail Address: Business State ID # (if any)</p>	
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(b)(5)

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RE: I-864 Overview Draft

Wednesday, December 30, 2015
8:50 AM

Subject	RE: I-864 Overview Draft
From	Nazer, David I
To	Johnson, David P
Sent	Thursday, November 19, 2015 7:26 AM
Attachments	 I-864 Over...

David

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Johnson, David P

Sent: Wednesday, November 18, 2015 2:57 PM

To: Nazer, David I

Subject: I-864 Overview Draft

Hi David,

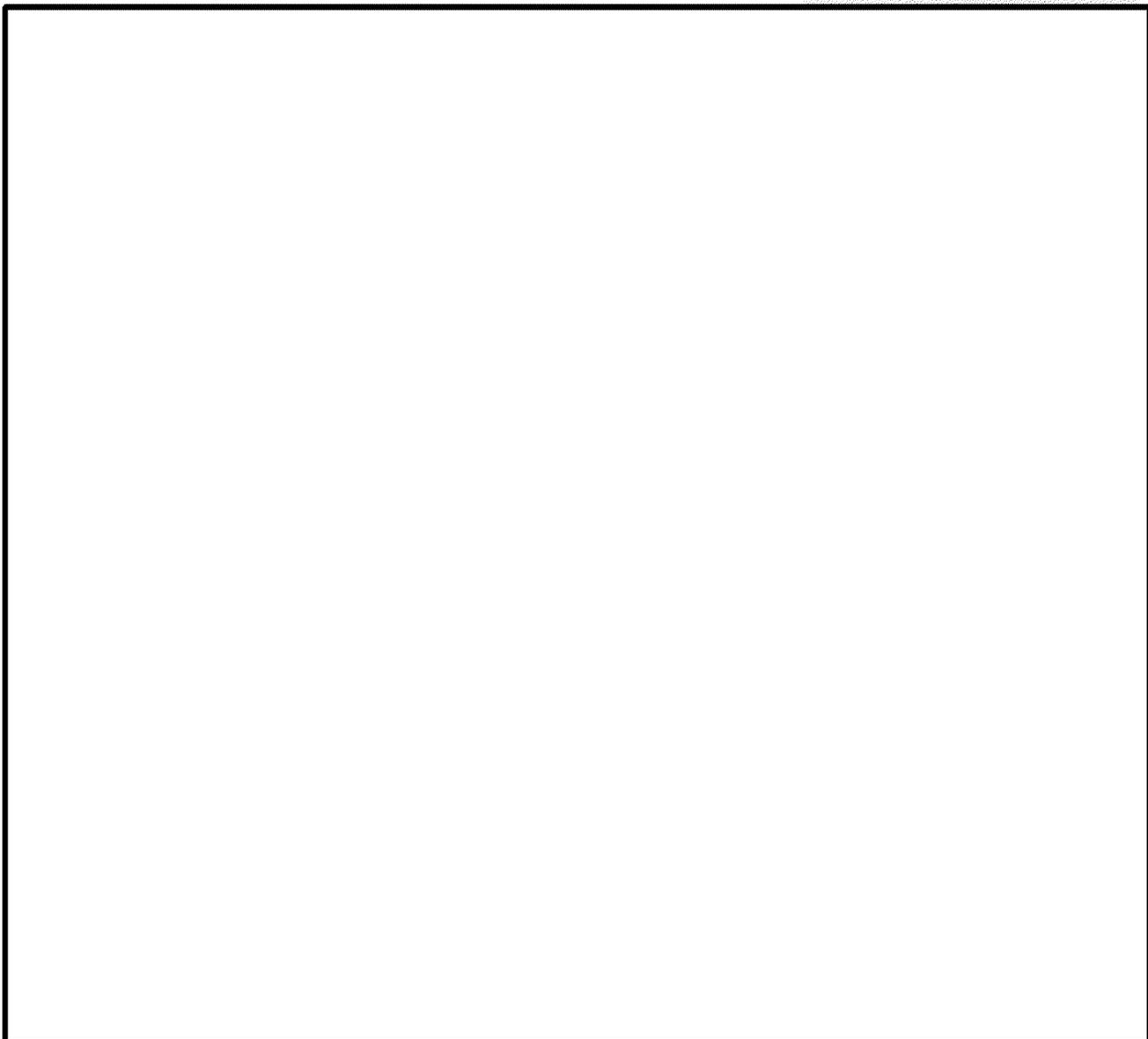
Can you please take a look at this document which I think covers the 2 areas that I'm supposed to cover and add/comment on anything you think I'm missing or should cut out? I focused on across-the-board items that related to all/most of the forms. I believe they said that ODP would cover some of the individual tips.

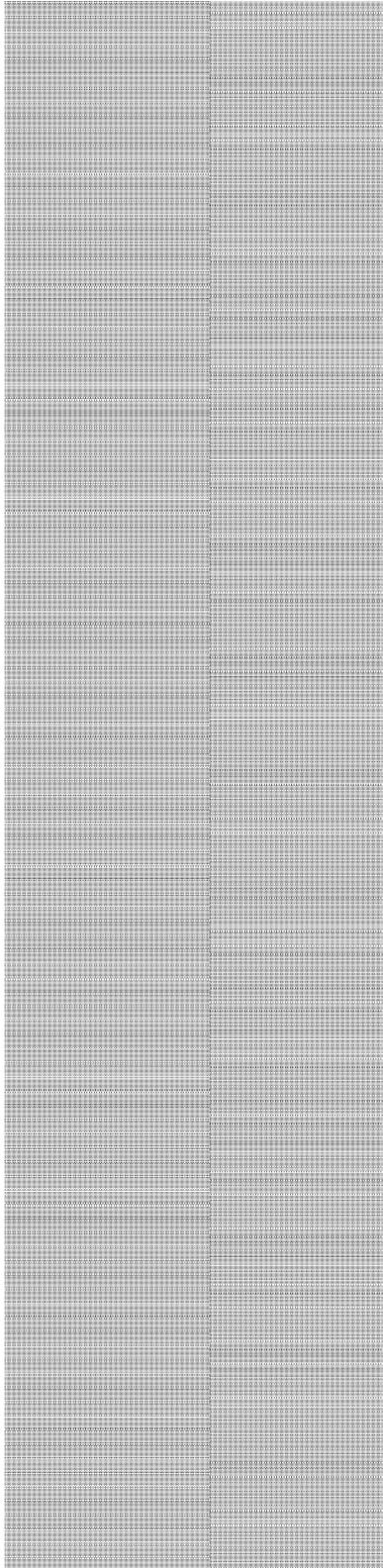
Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate
(202)272-1046

(b)(5)

Form I-864 Affidavit of Support, Listening Session 11-19-15 1PM Eastern





Form I-864 Affidavit of Support, Listening Session 11-19-15 1PM Eastern

Highlight reason for new filing tips

The four I-864 Tip Sheets were created to assist the public in completing the I-864 forms. They highlight the most common errors that we have seen on I-864 submissions.

Highlight common mistakes in filing the I-864

- Be sure to submit ALL of the pages on the form. We must have all of the pages to process your form.
- Be sure to fill out the form completely and provide all required information with your initial filing. This will reduce processing delays and errors in communication.
- Be sure to sign the forms, in the ORIGINAL, in BLACK ink. A stamped or typewritten name will not be accepted in place of a signature. A Form I-864 is not considered original if it is not signed in BLACK ink.
- Be sure to fill out the forms with a BLACK pen if you are not typing the forms.
- If you are unsure as to who completes the form (you, your financial sponsor or someone else), the first page of each tip sheet explains specifically who completes the form.
- All four forms have extra space available in an area titled “Additional Information.”
- You need to submit taxes and W2’s if you are not using an IRS printout that demonstrates your income.

Form I-864 TOC for form and instructions

Wednesday, December 30, 2015
7:20 AM

Subject	Form I-864 TOC for form and instructions
From	Nazer, David I
To	Post, Elizabeth A; Johnson, David P
Sent	Thursday, April 09, 2015 2:13 PM
Attachments	 I864-INS-T...  I864-FRM-...

Hi Elizabeth and David,

Attached are the TOCs for the I-864 Form and Instructions. I made comments where I saw something needed to be edited or deleted. Please let me know if you have any questions. Thanks.

I'll work them as time permits and send as I finish them (most likely next week).

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Form I-864 Word documents for G-1056

Wednesday, December 30, 2015
7:22 AM

Subject	Form I-864 Word documents for G-1056
From	Post, Elizabeth A
To	Ramsay, John R
Cc	Scales, Donna B; Wilson, Lynn M; Post, Elizabeth A; Tabron, Chante N; Owens, Angela Y; Nazer, David I
Sent	Friday, December 12, 2014 4:44 PM
Attachments	 I864W-INS...  I864W-FR...  I864EZ-FR...  I864EZ-INS...  I864-FRM-...  I864-INS-E...  I864A-FR...  I864A-INS-...

John,

Here are the 8 documents in the Form I-864 suite of forms that you asked us to update and that we promised to have back to you by COB today; the I-864 main form and instructions, the I-864EZ form and instructions, the I-864A form and instructions and the I-864W form and instructions. We have provided Word versions to facilitate edits being incorporated during G-1056. (Lynn sent you the G-1056 form and instruction earlier today.)

The POC (David Nazer) will be responsible for incorporating the edits for each form/instruction into one consolidated document for each form and instruction, so that the information can be copied and pasted into the pdfs. Please note that the desired text must be clearly incorporated into the document itself, not in comment bubbles. (i.e., FMB should

not have to read through all the comment bubbles and try to figure out what the POC would like done.)

John- this was a significant lift for our staff, so we (FMB and RCD) should probably plan on discussing projects such as this at some point, so that RCD better understands what we do and what timeframes are reasonable, given the amount of information that had to be added, edited, cross referenced across 4 forms, re-formatted, etc.

Please let us know if you have any questions.

Thanks,

Elizabeth

Elizabeth Post

Forms Management Branch

Office of Intake and Document Production

U.S. Citizenship and Immigration Services

Office Telephone (M, T, R): (913) 214-5867 (b)(6)

Telework Telephone (W, F)



Instructions for Request for Exemption for Intending Immigrant's Affidavit of Support

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS Form I-
864EZ OMB No.
1615-0075
Expires 03/31/2015

What Is the Purpose of This Form?

Form I-864, Affidavit of Support Under Section 213A of the INA, (or in certain cases, Form I-864 EZ, Affidavit of Support Under Section 213A of the INA) is legally required for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and are not likely to become a public charge. Certain classes of immigrants are exempt from the Form I-864 or Form I-864EZ requirement and therefore must file Form I-864W instead.

How Is This Form Used?

You must use Form I-864W instead of Form I-864 or Form I-864EZ with your application for an immigrant visa or adjustment of status if any of the following apply:

1. **You have earned or can receive credit for 40 quarters of coverage under the Social Security Act (SSA). If you have 40 quarters of SSA coverage, you are exempt from the requirement to file Form I-864 or Form I-864EZ. You can acquire 40 qualifying quarters in the following ways:**
 - A. Working in the United States for 40 quarters in which you received the minimum income established by the Social Security Administration; or
 - B. By being credited under section 213(a)(3)(B) of the Immigration and Nationality Act (INA) with quarters worked by your spouse during the marriage or a parent during the time you were under 18 years of age; or
 - C. A combination of the above.

If you are claiming credit for quarters worked by a spouse or parent, you may not count any quarter in which your spouse or parent was receiving means-tested public benefits. Include all SSA forms necessary to establish that you have or can receive credit for 40 quarters of coverage.

2. **Intending immigrant is a child who will become a U.S. citizen immediately upon entry under the Child Citizenship Act of 2000 (CCA). Under the CCA, some children become U.S. citizens immediately upon admission to the United States or adjustment of status to that of a lawful permanent resident. For this classification to apply:**
 - A. At least one parent of the child is a U.S. citizen;
 - B. The child is under 18 years of age at the time of admission or adjustment of status;
 - C. The child is residing permanently in the United States in the legal and physical custody of the U.S. citizen parent; and
 - D. If the child is a foreign-born orphan adopted abroad, the adoption was legally finalized prior to admission to the United States and both adoptive parents or the unmarried U.S. citizen parent personally observed the orphan before or during the adoption proceeding.

If the U.S. citizen parents adopted the orphan abroad, but at least one of the adoptive parents or the unmarried parent did not see and observe the orphan before or during the foreign adoption proceeding, then an affidavit of support under this part is still required unless the U.S. citizen parent submits evidence that, under the law of the state of the orphan's intended residence in the United States, the foreign adoption decree is entitled to recognition without the need for a formal administrative or judicial proceeding in the state of proposed residence. Orphans whose adoptions are not legally finalized until after admission to the United States will not qualify for this exemption and must file a Form I-864 or Form I-864EZ.

-
3. **You are filing for an immigrant visa as a self-petitioning widow(er). If you are filing as a self-petitioning widow(er) using Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, you are exempt from the Form I-864 requirements if your Form I-360 is approved and you are applying for lawful permanent residence.**
 4. **You are filing for an immigrant visa as a self-petitioning battered spouse or child. If you are filing as a self-petitioning battered spouse or child using Form I-360, you are exempt from the Form I-864 requirements if your Form I-360 is approved and you are applying for lawful permanent residence.**

General Instructions

USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at 1-800-375-5283 and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

Signature. Each request must be properly signed and filed. For all signatures on this request, USCIS will not accept a stamped or typewritten name in place of a signature. If you are under 14 years of age, your parent or legal guardian may sign the request on your behalf. A legal guardian may also sign for a mentally incompetent person.

Filing Fee. There is no fee to file this form with USCIS.

Biometric Services Fee. If you file this request with USCIS, you do not need to include a biometric services fee at the time you submit it. If you are later notified that you must submit biometrics, you will receive a biometric services appointment notice with instructions on how to submit the additional biometric services fee. If you file this request with an agency other than USCIS, please check with that agency to determine if and when you must submit a biometric services fee.

Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the **What Evidence Should You Submit** section of these instructions.

Biometric Services Appointment. USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your request. After USCIS receives your request and ensures it is complete, we will inform you in writing, if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment. If you fail to attend your biometric services appointment, USCIS may deny your request.

Copies. You may submit legible photocopies of documents requested, unless the instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If you submit original documents when not required, the documents may remain a part of the record, and USCIS will not automatically return them to you.

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

How To Fill Out Form I-864W

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this request, use the space provided in **Part 6. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks “Provide the name of your current spouse”), type or print “N/A,” unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, “How many children do you have” or “How many times have you departed the United States”), type or print “None,” unless otherwise directed.
4. **USCIS ELIS Account Number (if any).** If you have previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide the USCIS ELIS Account Number you were issued by the system. The USCIS ELIS Account Number is **not** the same as an A-Number. If you were issued a USCIS ELIS Account Number, enter it in the space provided.
5. **Part 3. Requestor’s Statement, Contact Information, Certification, and Signature.** Select the appropriate box to indicate that you either read this request yourself or someone interpreted this request for you from English to a language in which you are fluent. If applicable, select the box to indicate if someone prepared this request for you. Further, you must sign and date your request and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every request **MUST** contain the signature of the requestor (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.
6. **Part 4. Interpreter’s Contact Information, Certification, and Signature.** If you used anyone as an interpreter to read the instructions and questions on this request to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, and his or her email address (if any). The interpreter must sign and date the request.
7. **Part 5. Contact Information, Certification, and Signature of the Person Preparing this Request, If Other Than the Requestor.** This section must contain the signature of the person who completed your request, if other than you, the requestor. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part 4.** and **Part 5.** If the person who completed this request is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you prepare this request **MUST** sign and date the request. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your request is an attorney or accredited representative, he or she must also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited, along with your request.
8. **Part 6. Additional Information.** If you need extra space to provide any additional information within this request, use the space provided in **Part 6. Additional Information.** If you need more space than what is provided in **Part 6.**, you may make copies of **Part 6.** to complete and file with your request, or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.

We recommend that you print or save a copy of your completed request to review in the future and for your records.

What Evidence Should You Submit?

You must submit all evidence requested in these instructions with your request.

If you fail to submit required evidence, USCIS may reject or deny your request for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these instructions.

What Is the Filing Fee?

There is no fee to file Form I-864W with USCIS.

Where to File?

Please see the USCIS Web site at www.uscis.gov/I-864W or call the USCIS National Customer Service Center at **1-800-375-5283** for the most current information about where to file this benefit request. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Address Changes

If you have changed your address, you must inform USCIS of your new address within 30 days of the change. To do this, you must complete and file a Form I-865, Sponsor's Change of Address. For information on filing Form I-865, go to the USCIS Web site at www.uscis.gov/I-865 or contact the National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: Do not complete Form I-865 at the same time that you complete the Form I-864W. You should complete and submit Form I-865 to USCIS only when the address you indicated on the original Form I-864W has changed .

If you are a lawful permanent resident sponsor, you must notify USCIS of your new address within 10 days of moving from your previous residence. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Do not submit a change of address request to USCIS Lockbox facilities because these facilities do not process change of address requests.

Processing Information

Initial Processing. Once USCIS accepts your request we will check it for completeness. If you do not completely fill out this request, you will not establish a basis for your eligibility and USCIS may reject or deny your request.

Requests for More Information. We may request that you provide more information or evidence to support your request. We may also request that you provide the originals of any copies you submit. USCIS will return any requested originals when they are no longer needed.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your request. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

Decision. The decision on Form I-864W involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

USCIS Forms and Information

To ensure you are using the latest version of this request, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our **online system, InfoPass, at infopass.uscis.gov**. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

The Government may pursue verification of any information provided on or in support of this form. If you include in this affidavit of support any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.

If you fail to give notice of your change of address, as required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3, you may be liable for the civil penalty established by 8 U.S.C. 1183a(d)(2). The amount of the civil penalty will depend on whether you failed to give this notice because you were aware that the immigrants you sponsored had received Federal, state, or local means-tested public benefits.

If the failure to report your change of address occurs with knowledge that the sponsored immigrant received means-tested public benefits (other than benefits described in section 401(b), 403(c)(2), or 411(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which are summarized in the sponsor's contract in **Part 8**, of Form I-864. Such a failure may result in a fine of not less than \$2,000 or more than \$5,000. Otherwise, the failure to report your change of address may result in a fine not less than \$250 or more than \$2,000.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this request, and the associated evidence, is collected under section 101 of the INA and in 8 U.S.C. 1182a(4), 1183a, 1184(a), and 1258.

PURPOSE: The primary purpose for providing the requested information on this request is for an immigration judge, USCIS, or a Consular Officer to whom it is furnished, to determine an your eligibility for benefits under the INA, specifically, whether you have adequate means of financial support and will not become a public charge. DHS will use the information you provide to grant or deny the immigration benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in your case or result in denial of your request.

ROUTINE USES: DHS may share the information you provide on this request with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File, Index, and National File Tracking System of Records] which you can find at www.dhs.gov/privacy. DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 1 hour per response, including the time for reviewing instructions, gathering the required documentation and information, completing the request, preparing statements, attaching necessary documentation, and submitting the request. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0075. **Do not mail your completed Form I-864W to this address.**



Instructions for Affidavit of Support Under Section 213A of the INA

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS Form I-
864EZ OMB No.
1615-0075
Expires 03/31/2015

What Is the Purpose of Form I-864EZ?

Form I-864EZ is a shorter version of Form I-864 designed for cases that meet certain criteria. Form I-864 or Form I-864EZ is legally required for many family-based immigrants to show that the intending immigrant has adequate means of financial support and is unlikely to become a public charge.

Who May Use Form I-864EZ?

You may use Form I-864EZ if **ALL** the following conditions apply:

1. You are the person who filed or is filing Form I-130, Petition for Alien Relative, for a relative being sponsored;
2. The relative you are sponsoring is the only person listed on Form I-130; and
3. The income you are using to qualify is based entirely on your salary or pension and is shown on one or more Forms W-2 provided by your employers or former employers.

When Not To Use Form I-864EZ?

Do not use Form I-864EZ if any of the following conditions apply. Instead, you must complete and submit Form I-864.

1. The relative you are sponsoring is not the only person immigrating based upon the underlying visa petition;
2. You filed or are filing Form I-140, Immigrant Petition for Alien Worker, for the immigrant you are sponsoring;
3. You are a joint sponsor; or
4. You are a substitute sponsor filing because the original Form I-130 petitioner is deceased.

How Is Form I-864EZ Used?

This form is a contract between a sponsor and the U.S. Government. The person completing and signing this form is the sponsor. By signing Form I-864EZ, you are agreeing to use your income and resources to support the intending immigrant named in this affidavit, if it becomes necessary. You must show on this affidavit that you have enough income to ensure that the sponsored immigrant will not have to rely on means-tested public benefits for support in the United States.

In most cases, the submission of this affidavit will make the sponsored immigrant ineligible for Federal, State, or local means-tested public benefits, because an agency that provides means-tested public benefits will consider your income and resources available to the sponsored immigrant in determining eligibility for the program.

If the immigrant sponsored in this affidavit does receive a Federal, State, or local means-tested public benefit, the agency providing the benefit may require you to repay the cost of those benefits. That agency can sue you if you do not repay the cost of the benefits provided.

1. Who Is Required to File Form I-864W Instead of Form I-864 or Form I-864EZ?

The following types of intending immigrants must properly complete and submit Form I-864W, Request for Exemption for Intending Immigrant's Affidavit of Support, instead of a Form I-864 or Form I-864EZ:

- A. An intending immigrant who has, or can be receive credit for, 40 quarters of work. The Social Security Administration can provide information on how to count and provide evidence of quarters of work.
- B. An intending immigrant who will, upon admission, acquire U.S. citizenship under section 320 of the Immigration and Nationality Act (INA), as amended by the Child Citizenship Act of 2000 (CCA); and
- C. A self-petitioning widow(er) or qualifying battered spouse or child.

2. Who Completes This Form?

Only the U.S. citizen, lawful permanent resident, or U.S. national who filed Form I-130 for a family member, may complete this form. A sponsor is required to be 18 years of age and in the United States, its territories, or possessions (see the **Specific Instructions** section of these instructions).

3. What Are the Income Requirements?

To qualify as a sponsor, you must demonstrate that you have an income of at least 125 percent of the current Federal Poverty Guidelines for your household size. The Federal poverty line, for purposes of this affidavit, is updated annually and can be found on Form I-864P, Poverty Guidelines, at www.uscis.gov/I-864P.

If you are on active duty in the U.S. Armed Forces or U.S. Coast Guard, and you are sponsoring your spouse or minor child, you only need to have an income of 100 percent of the Federal poverty line for your household size.

4. How Do I Count Household Size?

Your household size includes yourself and the following individuals, no matter where they live:

- A. Any spouse;
- B. Any dependent children under the age of 21;
- C. Any other dependents listed on your most recent Federal income tax return;
- D. The person being sponsored in this affidavit of support; and
- E. Any immigrants previously sponsored with a Form I-864 or Form I-864EZ affidavit of support whom you are still obligated to support.

5. How Long Does My Obligation as a Sponsor Continue?

Your obligation to support the immigrant you are sponsoring in this Form I-864EZ will continue until the sponsored immigrant becomes a U.S. citizen, or can receive credit for, 40 qualifying quarters of work in the United States. Although 40 qualifying quarters (credits) of work generally equates to 10 years of work, in certain cases, the work of a spouse or parent adds qualifying quarters toward eligibility. The Social Security Administration can provide information on how to count qualifying quarters (credits) of work. The obligation also ends if you or the sponsored immigrant dies or if the sponsored immigrant ceases to be a lawful permanent resident and departs the United States. Divorce does not end the sponsorship obligation.

6. Do I Have to Report My Change of Address If I Move?

Federal law requires that a sponsor report every change of address to the USCIS within 30 days of the change. To do this, send a completed Form I-865, Sponsor's Change of Address, to the Service Center having jurisdiction over your new address. Please see the USCIS Web site at www.uscis.gov/I-865 for more information on filing a change of address as a sponsor.

NOTE: Do not complete Form I-865 at the same time that you complete Form I-864EZ. You should complete and submit Form I-865 to USCIS only when the address you indicated on the original Form I-864EZ has changed. A sponsor who fails to submit a Form I-865 within 30 days of a change of address may be fined. Please see Form I-865 for further directions on filing the Sponsor's Change of Address.

This requirement does not relieve a sponsor who is a lawful permanent resident from notifying USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at 1-800-375-5283. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

General Instructions

USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at 1-800-375-5283 and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

Signature. Each application must be properly signed and filed. For all signatures on this application, USCIS will not accept a stamped or typewritten name in place of a signature. If you are under 14 years of age, your parent or legal guardian may sign the application on your behalf. A legal guardian may also sign for a mentally incompetent person.

Biometric Services Fee. If you file this application with USCIS, you do not need to include a biometric services fee at the time you submit it. If you are later notified that you must submit biometrics, you will receive a biometric services appointment notice with instructions on how to submit the additional biometric services fee. If you file this application with an agency other than USCIS, please check with that agency to determine if and when you must submit a biometric services fee.

Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the **Specific Instructions** section of these Instructions.

Biometric Services Appointment. USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your request. After USCIS receives your request and ensures it is complete, we will inform you in writing, if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment. If you fail to attend your biometric services appointment, USCIS may deny your request.

Copies. You may submit legible photocopies of documents requested, unless the instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If you submit original documents when not required, the documents may remain a part of the record, and USCIS will not automatically return them to you.

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

How To Fill Out Form I-864EZ

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this request, use the space provided in **Part 9. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None," unless otherwise directed.

Specific Instructions

Form I-864EZ is divided into nine parts. The information below will help you fill out the form.

Part 1. Qualifying to Use Form I-864EZ

You may use Form I-864EZ if the statements in **Item Numbers 1.a. - 1.c.** are all true. If you do not select "Yes" to all three boxes, you do **NOT** qualify to use Form I-864 EZ and therefore must use Form I-864. Submission of the incorrect form will delay processing.

Item Number 1.a. Select "Yes" if you are the petitioner who is filing or who has already filed Form I-130, Petition for Alien Relative; Form I-129F, Petition for Alien Fiance(e); Form I-600, Petition to Classify Orphan as an Immediate Relative; or Form I-600A, Application for Advance Processing of Orphan Petition.

Item Number 1.b. Select "Yes" if you are using only your own earned or retirement income that you can document with an IRS Form W-2. If you are self-employed, you must select "No" to the question and you cannot use Form I-864EZ.

Item Number 1.c. The term "immigrating with" in this statement means "on the same visa petition." Thus, if the person you are sponsoring is an immediate relative (spouse, child, or certain parents of U.S. citizens), you can automatically select "Yes" for this box because every immediate relative has his or her own visa petition. If the person you are sponsoring is a family-based preference immigrant, and the family members listed on the same visa petition are immigrating with or within 6 months of the sponsored immigrant, you must select "No" for this box, and you cannot use Form I-864EZ.

Part 2. Information About the Immigrant You Are Sponsoring (Intending Immigrant)

Item Numbers 1.a.-1.c. Name of Immigrant. Provide the full name of the immigrant you are sponsoring. **Item**

Numbers 2.a. -2.i. Mailing Address. Provide the mailing address of the immigrant you are sponsoring. **Item**

Number 3. Daytime Telephone Number. Provide the daytime telephone number of the immigrant you are sponsoring.

Item Number 4. Date of Birth. Provide the date of birth of the immigrant you are sponsoring in mm/dd/yyyy format.

Item Number 5. Alien Registration Number (A-Number) (if any). Provide the A-Number (if any) of the immigrant you are sponsoring. An "A-number" is an Alien Registration Number assigned by the former Immigration and Naturalization Service (INS) or U.S. Citizenship and Immigration Services (USCIS). If the intending immigrants you are sponsoring have not previously been in the United States or have only been in the United States as tourists, they probably do not have A-numbers. Persons with A-numbers can locate the number on their INS or USCIS-issued documentation.

Item Number 6. USCIS ELIS Account Number (if any). If the immigrant you are sponsoring has previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide the USCIS ELIS Account Number he or she was issued by the system. The USCIS ELIS Account Number is **not** the same as an A-Number. If he or she was issued a USCIS ELIS Account Number, enter it in the space provided.

Item Number 7. U.S. Social Security Number (if any). Provide the U.S. Social Security Number (if any) of the immigrant you are sponsoring.

Part 3. Information on the Sponsor (You)

Item Numbers 1.a.-1.c. Name of Sponsor. Provide your full name.

Item Numbers 2.a.-2.i. Mailing Address. Provide your mailing address.

Item Numbers 3.-4.h. Physical Address. Provide your physical address (place of residence) if it is different from your mailing address.

Item Number 5. Country of Domicile. Provide name of country where you maintain your **principal** residence and where you plan to reside for the foreseeable future. If your mailing address and/or place of residence is not in the United States, but your country of domicile is the United States, you must attach a written explanation and documentary evidence indicating how you meet the domicile requirement. If you are not currently living in the United States, you may meet the domicile requirement if you can submit evidence to establish that any of the following conditions apply:

- A. You are employed by a certain organization.** Some individuals employed overseas are automatically considered to be domiciled in the United States because of the nature of their employment. The qualifying types of employment include employment by:
- (1) The U.S. Government;
 - (2) An American institution of research recognized by the Secretary of Homeland Security (The list of qualifying institutions may be found at 8 CFR 316.20);
 - (3) A U.S. 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 or corporation;
 - (4) A public international organization in which the United States participates by treaty or statute;
 - (5) A religious denomination having a bona fide organization in the United States, if the employment abroad involves the person's performance of priestly or ministerial functions on behalf of the denomination; or
 - (6) A religious denomination or interdenominational missionary organization having a bona fide organization in the United States, if the person is engaged solely as a missionary.
- B. You are living abroad temporarily.** If you are not currently living in the United States, you must show that your trip abroad is temporary and that you have maintained your domicile in the United States. You can show this by providing proof of your voting record in the United States, proof of paying U.S. State or local taxes, proof of having property in the United States, proof of maintaining bank or investment accounts in the United States, or proof of having a permanent mailing address in the United States. Other proof could be evidence that you are a student studying abroad or that a foreign government has authorized a temporary stay.
- C. You intend in good faith to reestablish your domicile in the United States no later than the date of the intending immigrant's admission or adjustment of status.** You must submit proof that you have taken concrete steps to establish you will be domiciled in the United States at a time no later than the date of the intending immigrant's admission or adjustment of status. Concrete steps might include accepting a job in the United States, signing a lease or purchasing a residence in the United States, or registering children in U.S. schools. Please attach proof of the steps you have taken to establish domicile as previously described.

Item Number 6 Date of Birth. Provide your date of birth in the mm/dd/yyyy format.

Item Numbers 7-9. Place of Birth. Provide your City, State or Province, and Country of Birth.

Item Number 10. U.S. Social Security Number (Required). You must provide your U.S. Social Security Number.

Item Number 11. USCIS ELIS Account Number (if any). If you have previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide the USCIS ELIS Account Number you were issued by the system. The USCIS ELIS Account Number is **not** the same as an A-Number. If you were issued a USCIS ELIS Account Number, enter it in the space provided.

Item Number 12.a.-12.d. Citizenship or Nationality. Provide your citizenship or nationality.

Item Number 13. Military Service. Select “Yes” if you are the petitioning sponsor and on active duty in the U.S. Armed Services or U.S. Coast Guard, other than for training. If you provide evidence that you are currently on active duty in the military and you are petitioning for your spouse or minor child, you will need to demonstrate income at only 100 percent of the poverty level for your household size, instead of at 125 percent of the poverty level. (See Form I-864P for information on the poverty levels at www.uscis.gov/I-864P.) Select “No” if you are not on active duty in the U.S. Armed Forces or U.S. Coast Guard.

Part 4. Sponsor’s Household Size

This section asks you to add together the number of persons for whom you are financially responsible. Some of these persons may not reside with you. Make sure you do not count any individual more than once, since, in some cases, the same person could fit into two categories.

Item Number 1.a. This line is already completed for you, and it includes the intending immigrant and you.

Item Number 1.b. If you are married, and your spouse was not included in **Item Number 1.a.**, enter “1” here.

Item Number 1.c. Enter the number of unmarried children you have who are under 21 years of age, even if you do not have legal custody of these children. You may exclude any unmarried children under 21 years of age, if these children have reached majority under the law of their place of domicile, and you do not claim them as dependents on your income tax returns.

Item Number 1.d. Enter the number of lawful permanent residents whom you are currently obligated to support based on your previous submissions of Form I-864 or Form I-864EZ as a petitioning, substitute, or joint sponsor. Include only those persons who have already immigrated to the United States. Do not include anyone for whom your obligation to support has ended through the sponsored immigrant’s acquisition of U.S. citizenship, death, abandonment of lawful permanent residence in the United States, acquisition of 40 quarters of earned or credited work in the United States, or obtaining a new grant of adjustment of status while in removal proceedings based on a new affidavit of support, if one is required.

Item Number 1.e. Enter the number of any other dependents. You must include every person whom you have claimed as a dependent on your most recent Federal income tax return, even if that person is not related to you. Even if you are not legally obligated to support that person, you must include the person if in fact you did support that person and claimed the person as a dependent.

Item Number 1.f. Add together for **Item Numbers 1.a. - 1.e.** and enter the number in this space.

Part 5. Information About Your Employment and Income

Item Numbers 1. Indicate if you are currently employed or retired.

Item Numbers 2.a.-2.c. If you are currently employed, provide your occupation and employer information.

Item Numbers 3.a.-3.b. If you are retired, provide the date you retired and the name of your former employer.

Item Number 4. Current Individual Annual Income. Enter your current individual earned or retirement annual income that you are using to meet the requirements of this affidavit and indicate the total on this line. You may include evidence supporting your claim about your expected income for the current year if you believe that submitting this evidence will help you establish ability to maintain sufficient income. You are not required to submit this evidence, however, unless specifically instructed to do so by a Government official. For example, you may include a recent letter from your employer showing your employer's address and telephone number and indicating your annual salary. You may also provide pay stubs showing your income for the previous six months. If your claimed income includes alimony, child support, dividend or interest income, or income from any other source, you may also include evidence of that income.

Item Numbers 5.a. - 6.c. Federal Income Tax Information. You must provide either an Internal Revenue Service (IRS) transcript or a photocopy from your own records of your Federal individual income tax return for the most recent tax year. If you believe additional returns may help you to establish your ability to maintain sufficient income, you may submit transcripts or photocopies of your Federal individual income tax returns for the three most recent years.

You are not required to have the IRS certify the transcript or photocopy unless specifically instructed to do so by a Government official; a plain transcript or photocopy is acceptable. Telefile tax records are **not** acceptable proof of filing.

Do not submit copies of your state income tax returns. Do not submit any tax returns that you filed with any foreign government unless you claim that you were not required to file a Federal income tax return with the United States government, and you wish to rely on the foreign return solely to establish the amount of your income that is not subject to tax in the United States.

If you provide a photocopy of your tax returns, you must include a copy of each and every Form W-2 and Form 1099 that relates to your returns. Do not include copies of these forms if you provide an IRS transcript of your returns rather than a photocopy.

If you were required to file a Federal income tax return during any of the previous three tax years but did not do so, you must file any and all late returns with the IRS and attach an IRS-generated tax return transcript documenting your late filing before submitting the I-864EZ. If you were not required to file a Federal income tax return under U.S. tax law for any other reason, attach a written explanation including evidence of the exemption and how you are subject to it. Residence outside of the United States does not exempt U.S. citizens or lawful permanent residents from filing a U.S. Federal income tax return. See "Filing Requirements" in the IRS Form 1040 Filing Instructions to determine whether you were required to file.

For purposes of this affidavit, the line for gross (total) income on IRS Forms 1040 and 1040A is considered when determining income. For persons filing IRS Form 1040EZ, the line for adjusted gross income is considered.

Obtaining Tax Transcripts. You may use IRS Form 4506-T to request tax transcripts from the IRS. Complete IRS Form 4506-T with the ending date for each of your three most recent tax years listed on line 9. Follow all instructions for completing and filing Form 4506-T with the IRS.

Part 6. Sponsor's Contract, Statement, Contact Information, Certification, and Signatures. Read the contract carefully and then sign and date the affidavit. If you do not sign and date your Form I-864EZ in **Item Numbers 6.a.-6.b.**, the immigrant you are sponsoring cannot be issued a visa or be granted adjustment of status.

Item Numbers 1.a. - 6.b. Select the appropriate box to indicate that you either read this affidavit yourself or someone interpreted this affidavit for you from English to a language in which you are fluent. If applicable, select the box to indicate if someone prepared this affidavit for you. Further, you must sign and date your affidavit and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every affidavit **MUST** contain the signature of the sponsor (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

If you are under guardianship, your legal guardian may print your name and sign the Form I-864A for you. The guardian must present proof of the appointment as guardian of your estate and a copy of an order from the appointing court or agency specifically permitting the guardian to make your income and assets available for the support of the sponsored immigrant. "Guardian" includes any person who is appointed and authorized by law to protect your estate as a result of your incapacity.

Part 7. Interpreter's Contact Information, Certification, and Signature. Item Numbers 1.a. - 6.b. If you used anyone as an interpreter to read the instructions and questions on this affidavit to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, and his or her email address (if any). The interpreter must sign and date the affidavit.

Part 8. Contact Information, Certification, and Signature of the Person Preparing this Affidavit, If Other Than the Sponsor. Item Numbers 1.a. - 8.b. This section must contain the signature of the person who completed your affidavit, if other than you, the sponsor. If the same individual acted as your interpreter and your preparer, that person should complete both **Part 7.** and **Part 8.** If the person who completed this affidavit is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you prepare this affidavit **MUST** sign and date the affidavit. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your affidavit is an attorney or accredited representative, he or she must also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your affidavit.

Part 9. Additional Information. Item Numbers 1.a. - 7.b. If you need extra space to provide any additional information within this affidavit, use the space provided in **Part 9. Additional Information.** If you need more space than what is provided in **Part 9.**, you may make copies of **Part 9.** to complete and file with your affidavit, or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number, Part Number,** and **Item Number** to which your answer refers; and sign and date each sheet.

What Evidence Should You Submit?

You must submit all evidence requested in these instructions with your affidavit. If you fail to submit required evidence, USCIS may reject or deny your affidavit for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these instructions.

What Is the Filing Fee?

There is no filing fee for Form I-864EZ.

Where to File?

Please see the USCIS Web site at www.uscis.gov/I-864EZ or call the USCIS National Customer Service Center at 1-800-375-5283 for the most current information about where to file this benefit request. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

Address Changes

If you have changed your address, you must inform USCIS of your new address within 30 days of the change. To do this, you must complete and file a Form I-865, Sponsor's Change of Address. For information on filing Form I-865, go to the USCIS Web site at www.uscis.gov/I-865 or contact the National Customer Service Center at 1-800-375-5283. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

NOTE: Do not complete Form I-865 at the same time that you complete the Form I-864W. You should complete and submit Form I-865 to USCIS only when the address you indicated on the original Form I-864W has changed.

If you are a lawful permanent resident sponsor, you must notify USCIS of your new address within 10 days of moving from your previous residence. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at 1-800-375-5283. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

Do not submit a change of address request to USCIS Lockbox facilities because these facilities do not process change of address requests.

Processing Information

Initial Processing. Once USCIS accepts your affidavit we will check it for completeness. If you do not completely fill out this affidavit, you will not establish a basis for your eligibility and USCIS may reject or deny your affidavit.

Requests for More Information. We may request that you provide more information or evidence to support your affidavit. We may also request that you provide the originals of any copies you submit. USCIS will return any requested originals when they are no longer needed.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your affidavit. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

Decision. The decision on Form I-864EZ involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-864EZ, we will deny your Form I-864EZ and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

The Government may pursue verification of any information provided on or in support of this form, including employment, income, financial or other institutions, the Internal Revenue Service (IRS), or the Social Security Administration. If you include in this Form I-864EZ any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.

If you fail to give notice of your change of address, as required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3, you may be liable for the civil penalty established by 8 U.S.C. 1183a(d) (2). The amount of the civil penalty will depend on whether you failed to give this notice because you were aware that the sponsored immigrant received Federal, state, or local means-tested public benefits.

If the failure to report your change of address occurs with knowledge that the sponsored immigrant received means-tested public benefits (other than benefits described in section 401(b), 403(c),(2), or 411(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which are summarized in the contract in **Part 6**, such failure may result in a fine of not less than \$2,000 or more than \$5,000. Otherwise, the failure to report your change of address may result in a fine not less than \$250 or more than \$2,000.

USCIS Forms and Information

To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our online system, **InfoPass**, at infopass.uscis.gov. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this affidavit, and the associated evidence, is contained in 8 U.S.C. 1182a(4), 1183a, 1184(a), and 1258.

PURPOSE: The primary purpose for providing the requested information on this affidavit is to determine if you have established eligibility for the immigration benefit for which you are filing. DHS will use the information you provide to grant or deny the immigration benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in your case or result in denial of your affidavit.

ROUTINE USES: DHS may share the information you provide on this form with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS-USCIS-007- Benefits Information System and DHS-USCIS-001- Alien File, Index, and National File Tracking System of Records] which you can find at www.dhs.gov/privacy. DHS may also make the information available, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 2 hours and 30 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the request, preparing statements, attaching necessary documentation, and submitting the request. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0075. **Do not mail your completed Form I-864EZ to this address.**

CheckList

The following items must be submitted with Form I-864EZ:

For ALL sponsors:

- A copy of your individual Federal income tax return, including W-2s for the most recent tax year, or a statement and/or evidence describing why you were not required to file. Also include a copy of each and every Form 1099, Schedule, and any other evidence of reported income. You may submit this information for the most recent three tax years, pay stub(s) from the most recent six months, and/or a letter from your employer if you believe any of these items will help you qualify.

For SOME sponsors:

- If you are on active duty in the U.S. Armed Forces and are sponsoring your spouse or child using the 100 percent of poverty level, proof of your active military status.



Affidavit of Support Under Section 213A of the INA

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-864
OMB No. 1615-0075
Expires 03/31/2015

For USCIS Use Only	Affidavit of Support Submitter	Section 213A Review		Number of Support Affidavits in File	
	<input type="checkbox"/> Petitioner <input type="checkbox"/> 1st Joint Sponsor <input type="checkbox"/> 2nd Joint Sponsor <input type="checkbox"/> Substitute Sponsor <input type="checkbox"/> 5% Owner	<input type="checkbox"/> MEETS requirements <input type="checkbox"/> DOES NOT MEET requirements	<input type="checkbox"/> DOES NOT MEET requirements	<input type="checkbox"/> 1	<input type="checkbox"/> 2
Reviewed By: _____		Office: _____		Date: <u>MM / DD / YYYY</u>	

► **START HERE - Type or print in black ink.**

Part 1. Basis For Filing Affidavit of Support

I, _____, am the sponsor submitting this affidavit of support because (Select **only one box**)

1.a. I am the petitioner. I filed or am filing for the immigration of my relative.

1.b. I filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____

1.c. I have an ownership interest of at least 5 percent in _____ which filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____

1.d. I am the only joint sponsor.

1.e. I am the first second of two joint sponsors.

1.f. The original petitioner is deceased. I am the substitute sponsor. I am the intending immigrant's _____

NOTE: If you select Item Number 1.a., 1.b., 1.c., 1.d., 1.e., or 1.f., you must include proof of your U.S. citizenship, U.S. national, or lawful permanent resident status.

Part 2. Information on the Principal Immigrant

1.a. Family Name (Last Name) _____

1.b. Given Name (First Name) _____

1.c. Middle Name _____

Mailing Address

2.a. In Care of Name _____

2.b. Street Number and Name _____

2.c. Apt. Ste. Flr. _____

2.d. City or Town _____

2.e. State _____ 2.f. ZIP Code _____

2.g. Province _____

2.h. Postal Code _____

2.i. Country _____

Part 2. Information on the Principal Immigrant (continued)

Other Information

3. Citizenship or Nationality
[]
4. Date of Birth (mm/dd/yyyy) []
5. Alien Registration Number (A-Number)
▶ A- []
6. USCIS ELIS Account Number (if any)
▶ []

Part 3. Information on the Immigrant(s) You Are Sponsoring

1. I am sponsoring the principal immigrant named in **Part 2**.
 Yes No (Applicable only in cases with two joint sponsors)
2. I am sponsoring the following family members immigrating at the same time or within 6 months of the principal immigrant named in **Part 2**. Do not include any relative listed on a separate visa petition.

Family Member 1

- 2.a. Family Name (Last Name) []
- 2.b. Given Name (First Name) []
- 2.c. Middle Name []
- 2.d. Relationship to Sponsored Immigrant
[]
- 2.e. Date of Birth (mm/dd/yyyy) []
- 2.f. Alien Registration Number (A-Number)
▶ A- []
- 2.g. USCIS ELIS Account Number (if any)
▶ []

Family Member 2

- 3.a. Family Name (Last Name) []
- 3.b. Given Name (First Name) []
- 3.c. Middle Name []
- 3.d. Relationship to Sponsored Immigrant
[]
- 3.e. Date of Birth (mm/dd/yyyy) []
- 3.f. Alien Registration Number (A-Number)
▶ A- []
- 3.g. USCIS ELIS Account Number (if any)
▶ []

Family Member 3

- 4.a. Family Name (Last Name) []
- 4.b. Given Name (First Name) []
- 4.c. Middle Name []
- 4.d. Relationship to Sponsored Immigrant
[]
- 4.e. Date of Birth (mm/dd/yyyy) []
- 4.f. Alien Registration Number (A-Number)
▶ A- []
- 4.g. USCIS ELIS Account Number (if any)
▶ []

Family Member 4

- 5.a. Family Name (Last Name) []
- 5.b. Given Name (First Name) []
- 5.c. Middle Name []

Part 3. Information on the Immigrant(s) You Are Sponsoring (continued)

- 5.d. Relationship to Sponsored Immigrant
[Text Box]
- 5.e. Date of Birth (mm/dd/yyyy) [Text Box]
- 5.f. Alien Registration Number (A-Number)
▶ A- [Text Box]
- 5.g. USCIS ELIS Account Number (if any)
▶ [Text Box]

Family Member 5

- 6.a. Family Name (Last Name) [Text Box]
- 6.b. Given Name (First Name) [Text Box]
- 6.c. Middle Name [Text Box]
- 6.d. Relationship to Sponsored Immigrant
[Text Box]

Family Member 5 (Continued)

- 6.e. Date of Birth (mm/dd/yyyy) [Text Box]
- 6.f. Alien Registration Number (A-Number)
▶ A- [Text Box]
- 6.g. USCIS ELIS Account Number (if any)
▶ [Text Box]
7. Enter the total number of immigrants you are sponsoring on this form from **Item Numbers 1. - 6.** [Text Box]

Part 4. Information on the Sponsor

Sponsor's Full Name

- 1.a. Family Name (Last Name) [Text Box]
- 1.b. Given Name (First Name) [Text Box]
- 1.c. Middle Name [Text Box]

Sponsor's Mailing Address

- 2.a. In Care of Name
[Text Box]
- 2.b. Street Number and Name [Text Box]
- 2.c. Apt. Ste. Flr. [Text Box]
- 2.d. City or Town [Text Box]
- 2.e. State [Text Box] 2.f. ZIP Code [Text Box]
- 2.g. Province [Text Box]
- 2.h. Postal Code [Text Box]
- 2.i. Country
[Text Box]
3. Is your current mailing address the same as your physical address?
 Yes No

If you answered "No" to **Item Number 3.**, provide your physical address below.

Sponsor's Physical Address

- 4.a. Street Number and Name [Text Box]
- 4.b. Apt. Ste. Flr. [Text Box]
- 4.c. City or Town [Text Box]
- 4.d. State [Text Box] 4.e. ZIP Code [Text Box]
- 4.f. Province [Text Box]
- 4.g. Postal Code [Text Box]
- 4.h. Country
[Text Box]

For USCIS Use Only	
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Part 4. Information on the Sponsor

Other Information

- 5. Country of Domicile
- 6. Date of Birth (mm/dd/yyyy)
- 7. City or Town of Birth
- 8. State or Province of Birth
- 9. Country of Birth
- 10. U.S. Social Security Number (Required)
▶

Citizenship or Residency

- 11.a. I am a U.S. citizen.
- 11.b. I am a U.S. national (for joint sponsors only).
- 11.c. I am a lawful permanent resident.
- 11.d. Sponsor's Alien Registration Number (if any)
▶ A-
- 12. Sponsor's USCIS ELIS Account Number (if any)
▶

Military Service (To be completed by petitioner sponsors only.)

- 13. I am currently on active duty in the U.S. armed services.
 Yes No

Part 5. Sponsor's Household Size

NOTE: Do not count any member of your household more than once.

Persons you are sponsoring in this affidavit:

- 1. Enter the number you entered on line 7 of Part 3.

Persons NOT sponsored in this affidavit:

- 2. Yourself.
- 3. If you are currently married, enter "1" for your spouse.
- 4. If you have dependent children, enter the number here.
- 5. If you have any other dependents, enter the number here.
- 6. If you have sponsored any other persons on an I-864 or I-864 EZ who are now lawful permanent residents, enter the number here.
- 7. **OPTIONAL:** If you have siblings, parents, or adult children with the same principal residence who are combining their income with yours by submitting Form I-864A, enter the number here.
- 8. Add together **Item Numbers 1.-7.** and enter the number here. **Household Size:**

Part 6. Sponsor's Employment and Income

1. I am currently:

- Employed (Complete Item Numbers 2.a. - 2.c.)
- Retired (Complete Item Numbers 3.a. - 3.b.)
- Self-Employed (Complete Item Number 4.)
- Unemployed (Complete Item Number 5.)

2.a. Current Occupation

2.b. Name of Employer 1 (if applicable)

2.c. Name of Employer 2 (if applicable)

3.a. Name of Former Employer

3.b. Date of Retirement (mm/dd/yyyy)

4. Self-Employed Occupation

5. Date of Unemployment

(mm/dd/yyyy)

6. My Current, Individual Annual Income

\$

Income you are using from any other person who was counted in your household size, including, in certain conditions, the intending immigrant. (See Form I-864 Instructions.) Please indicate name, relationship and income.

Person 1

7.a. Name

7.b. Relationship

7.c. Current Income

\$

Person 2

8.a. Name

8.b. Relationship

8.c. Current Income

\$

Person 3

9.a. Name

9.b. Relationship

9.c. Current Income

\$

Person 4

10.a. Name

10.b. Relationship

10.c. Current Income

\$

11. **My current Annual Household Income** (Total all lines from Part 5., Item Numbers 7.c., 8.c., 9.c., and 10.c. Will be Compared to Poverty Guidelines -- See Form I-864P.)

\$

12. The persons listed in Item Numbers 7.a., 8.a., 9.a., and 10.a. have completed Form I-864A. I am filing along with this form all necessary Forms I-864A completed by these persons.

For USCIS Use Only	Household Size	Poverty Guideline	Remarks
	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> Other _____	Year: <u>20</u> <u>YY</u> Poverty Line: \$ _____	

Part 6. Sponsor's Employment and Income
(continued)

13. The persons listed in **Item Numbers 7.a., 8.a., 9.a., or 10.a.** does not need to complete Form I-864A because he or she is the intending immigrant and has no accompanying dependents.

Name

Federal income tax return information

- 14.a. Have you filed a Federal income tax return for each of the three most recent tax years? Yes No

NOTE: You **MUST** attach a photocopy or transcript of your Federal income tax return for only the most recent tax year.

- 14.b. (Optional) I have attached photocopies or transcripts of my Federal income tax returns for my second and third most recent tax years.

My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal income tax returns for the most recent three years was:

	Tax Year	Total Income
15.a. Most Recent		\$
15.b. 2nd Most Recent		\$
15.c. 3rd Most Recent		\$

16. I was not required to file a tax return as my income was below the IRS required level and I have attached evidence to support this.

Part 7. Use of Assets to Supplement Income
(optional)

If your income, or the total income for you and your household, from Part 6., line 10 exceeds the Federal Poverty Guidelines for your household size, YOU ARE NOT REQUIRED to complete this Part. Skip to Part 8.

Your assets (Optional)

1. Enter the balance of all savings and checking accounts.

\$
2. Enter the net cash value of real-estate holdings. (Net means current assessed value minus mortgage debt.)

\$
3. Enter the net cash value of all stocks, bonds, certificates of deposit, and any other assets not already included in **Item Number 1.** or **Item Number 2.**

\$
4. **Add together Item Numbers 1-3 and enter the number here.**

TOTAL: \$

Assets from Form I-864A, line 12d for:

- 5.a. Name of Relative
- 5.b. **Your household member's assets from Form I-864A.** (Optional)

\$

Assets of the principal sponsored immigrant (Optional).
The principal sponsored immigrant is the person listed in **Item Numbers 1.a. - 1.c. in Part 2.**

6. Enter the balance of the sponsored immigrant's savings and checking accounts.

\$

For USCIS Use Only	Household Size	Poverty Guideline	Sponsor's Household Income <i>(Page 5, Line 10)</i>	Remarks
	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> Other _____	Year: <u>20</u> <u>YY</u> Poverty Line: \$ _____	\$ _____ <i>The total value of all assets, line 10, must equal 5 times (3 times for spouses and children of USC's, or 1 time for orphans to be formally adopted in the U.S.) the difference between the poverty guidelines and the sponsor's household income, line 10.</i>	

Part 7. Use of Assets to Supplement Income (optional) (continued)

7. Enter the net cash value of all the sponsored immigrant's real estate holdings. (Net means investment value minus mortgage debt.)
\$
 8. Enter the current cash value of the sponsored immigrant's stocks, bonds, certificates of deposit, and other assets not included on **Item Number 6.** or **Item Number 7.**
\$
 9. **Add together Item Numbers 6.-8. of Part 7. and enter the number here.**
\$
- Total value of assets.**
10. **Add together Item Number 4., Item Number 5.b., and Item Number 9. of Part 7. and enter the number here.**
TOTAL: \$

Part 8. Sponsor's Contract, Statement, Contact Information, Certification, and Signature

Please note that, by signing this Form I-864, you agree to assume certain specific obligations under the Immigration and Nationality Act and other Federal laws. The following paragraphs describe those obligations. Please read the following information carefully before you sign the Form I-864. If you do not understand the obligations, you may wish to consult an attorney or accredited representative.

What is the Legal Effect of My Signing a Form I-864?

If you sign a Form I-864 on behalf of any person (called the "intending immigrant") who is applying for an immigrant visa or for adjustment of status to a lawful permanent resident, and that intending immigrant submits the Form I-864 to the U.S. Government with his or her application for an immigrant visa or adjustment of status, under section 213A of the INA these actions create a contract between you and the U. S. Government. The intending immigrant's becoming a lawful permanent resident is the "consideration" for the contract. Under this contract, you agree that, in deciding whether the intending immigrant can establish that he or she is not inadmissible to the United States as an alien likely to become a public charge, the U.S. Government can consider your income and assets to be available for the support of the intending immigrant.

What If I choose Not to Sign a Form I-864?

You cannot be made to sign a Form I-864 if you do not want to do so. But if you do not sign the Form I-864, the intending immigrant may not be able to become a lawful permanent resident in the United States.

What Does Signing the Form I-864 Require Me to do?

If an intending immigrant becomes a lawful permanent resident in the United States based on a Form I-864 that you have signed, then, until your obligations under the Form I-864 terminate, you must:

- (a) Provide the intending immigrant any support necessary to maintain him or her at an income that is at least 125 percent of the Federal Poverty Guidelines for his or her household size (100 percent if you are the petitioning sponsor and are on active duty in the U.S. Armed Forces and the person is your husband, wife, unmarried child under 21 years old); and

Part 8. Sponsor's, Contract, Statement, Contact Information, Certification, and Signature
(continued)

- (b) Notify USCIS of any change in your address, within 30 days of the change, by filing Form I-865.

What Other Consequences Are There?

If an intending immigrant becomes a lawful permanent resident in the United States based on a Form I-864 that you have signed, then until your obligations under the Form I-864 terminate, your income and assets may be considered ("deemed") to be available to that person, in determining whether he or she is eligible for certain Federal means-tested public benefits and also for State or local means-tested public benefits, if the State or local government's rules provide for consideration ("deeming") of your income and assets as available to the person.

This provision does **not** apply to public benefits specified in section 403(c) of the Welfare Reform Act such as, but not limited to, emergency Medicaid, short-term, non-cash emergency relief; services provided under the National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; and means-tested programs under the Elementary and Secondary Education Act.

What If I Do Not Fulfill My Obligations?

If you do not provide sufficient support to the person who becomes a lawful permanent resident based on the Form I-864 that you signed, that person may sue you for this support.

If a Federal, state or local agency, or a private agency provides any covered means-tested public benefit to the person who becomes a lawful permanent resident based on the Form I-864 that you signed, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.

If you are sued, and the court enters a judgment against you, the person or agency that sued you may use any legally permitted procedures for enforcing or collecting the judgment. You may also be required to pay the costs of collection, including attorney fees.

If you do not file a properly completed Form I-865 within 30 days of any change of address, USCIS may impose a civil fine for your failing to do so.

When Will These Obligations End?

Your obligations under a Form I-864 will end if the person who becomes a lawful permanent resident based on a Form I-864 that you signed:

1. Becomes a U.S. citizen;
2. Has worked, or can be credited with, 40 quarters of coverage under the Social Security Act;
3. No longer has lawful permanent resident status, and has departed the United States;
4. Becomes subject to removal, but applies for and obtains in removal proceedings a new grant of adjustment of status, based on a new affidavit of support, if one is required; or
5. Dies.

NOTE: Divorce **does not** terminate your obligations under this Form I-864.

Your obligations under a Form I-864 also end if you die. Therefore, if you die, your Estate will not be required to take responsibility for the person's support after your death. Your Estate may, however, be responsible for any support that you owed before you died.

NOTE: Read the information on penalties in the **Penalties** section of the Form I-864 Instructions before completing this part.

Sponsor's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. I can read and understand English, and have read and understand every question and instruction on this affidavit, as well as my answer to every question.
- 1.b. The interpreter named in **Part 9.** has also read to me every question and instruction on this affidavit, as well as my answer to every question, in

a language in which I am fluent. I understand every question and instruction on this affidavit as translated to me by my interpreter, and have provided complete, true, and correct responses in the language indicated above.

Part 8. Sponsor's, Contract, Statement, Contact Information, Certification, and Signature
(continued)

2. I have requested the services of and consented to _____, who is is not an attorney or accredited representative, preparing this affidavit for me.

Sponsor's Contact Information

3. Sponsor's Daytime Telephone Number

4. Sponsor's Mobile Telephone Number (if any)

5. Sponsor's Email Address (if any)

Sponsor's Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the benefit that I seek.

I furthermore authorize release of information contained in this affidavit, in supporting documents, and in my USCIS record to other entities and persons where necessary for the administration of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my affidavit and any document submitted with my affidavit were provided by me and are complete, true, and correct.

- A. I know the contents of this affidavit of support that I signed.
- B. I have read and I understand each of the obligations described in **Part 8.**, and I agree, freely and without any mental reservation or purpose of evasion, to accept each of those obligations in order to make it possible for the immigrants indicated in **Part 3.** to become lawful permanent residents of the United States;

- C. I agree to submit to the personal jurisdiction of any Federal or state court that has subject matter jurisdiction of a lawsuit against me to enforce my obligations under this Form I-864;
- D. Each of the Federal income tax returns submitted in support of this affidavit are true copies, or are unaltered tax transcripts, of the tax returns I filed with the U.S. Internal Revenue Service; and
- E. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.

Sponsor's Signature

- 6.a. Sponsor's Signature

6.b. Date of Signature (mm/dd/yyyy) _____

NOTE TO ALL SPONSOR'S: If you do not completely fill out this request or fail to submit required documents listed in the instructions, USCIS may deny your request.

Part 9. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

- 1.a. Interpreter's Family Name (Last Name)

1.b. Interpreter's Given Name (First Name)

2. Interpreter's Business or Organization Name (if any)

Part 9. Interpreter's Contact Information, Certification, and Signature (continued)

Interpreter's Mailing Address

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number
5. Interpreter's Email Address (if any)

Interpreter's Certification

I certify that:

I am fluent in English and , which is the same language provided in Part 8., Item Number 1.b.;

I have read to this sponsor every question and instruction on this affidavit, as well as the answer to every question, in the language provided in Part 8., Item Number 1.b.; and

The sponsor has informed me that he or she understands every instruction and question on the affidavit, as well as the answer to every question, and the sponsor verified the accuracy of every answer.

Interpreter's Signature

- 6.a. Interpreter's Signature
- 6.b. Date of Signature (mm/dd/yyyy)

Part 10. Contact Information, Statement, Certification, and Signature of the Person Preparing this Affidavit, If Other than the Sponsor

Provide the following information about the preparer.

Preparer's Full Name

- 1.a. Preparer's Family Name (Last Name)
- 1.b. Preparer's Given Name (First Name)
2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Part 10. Contact Information, Statement, Certification, and Signature of the Person Preparing this Affidavit, If Other than the Sponsor (continued)

Preparer's Contact Information

4. Preparer's Daytime Telephone Number
5. Preparer's Fax Number
6. Preparer's Email Address (if any)

Preparer's Statement

- 7.a. I am not an attorney or accredited representative but have prepared this affidavit on behalf of the sponsor and with the sponsor's consent.
- 7.b. I am an attorney or accredited representative and my representation of the sponsor in this case
 extends does not extend beyond the preparation of this affidavit.

NOTE: If you are an attorney or accredited representative whose representation extends beyond preparation of this affidavit, you must submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this affidavit.

Preparer's Certification

By my signature, I certify, swear, or affirm, under penalty of perjury, that I prepared this affidavit on behalf of, at the request of, and with the express consent of the sponsor. I completed this affidavit based only on responses the sponsor provided to me. After completing the affidavit, I reviewed it and all of the responses with the sponsor, who agreed with every answer on the affidavit. If the sponsor supplied additional information concerning a question on the affidavit, I recorded it on the affidavit.

Preparer's Signature

- 8.a. Preparer's Signature
- 8.b. Date of Signature (mm/dd/yyyy)



Instructions for Affidavit of Support Under Section 213A of the INA

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-864
OMB No. 1615-0038
Expires 04/30/2015

What is the Purpose of This Form

This form is required for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and are not likely to become a public charge.

How Is This Form Used?

This form is a contract between a sponsor and the U.S. Government. Completing and signing this form makes you the sponsor. You must show on this form that you have enough income and/or assets to maintain the intending immigrant(s) and the rest of your household at 125 percent of the Federal Poverty Guidelines. By signing Form I-864, you are agreeing to use your resources to support the intending immigrant(s) named in this form, if it becomes necessary.

The submission of this form may make the sponsored immigrant ineligible for certain Federal, state, or local means-tested public benefits, because an agency that provides means-tested public benefits will consider your resources and assets as available to the sponsored immigrant in determining his or her eligibility for the program.

If the immigrant sponsored in this affidavit does receive one of the designated Federal, state or local means-tested public benefits, the agency providing the benefit may request that you repay the cost of those benefits. That agency can sue you if the cost of the benefits provided is not repaid.

Not all benefits are considered to be means-tested public benefits. See Form I-864P, Poverty Guidelines, for more information on which benefits may be covered by this definition, or the contract in **Part 8**, of this form for a list of benefits explicitly not considered means-tested public benefits.

Who Needs This Form?

The following immigrants are required by law to submit Form I-864 completed by the petitioner to obtain an immigrant visa overseas or to adjust status to that of a lawful permanent resident in the United States:

1. All immediate relatives of U.S. citizens (spouses, unmarried children under 21 years of age, and parents of U.S. citizens 21 years of age and older);
2. All family-based preference immigrants (unmarried sons and daughters of U.S. citizens, spouses and unmarried sons and daughters of permanent resident aliens, married sons and daughters of U.S. citizens, and brothers and sisters of U.S. citizens 21 years of age and older); and
3. Employment-based preference immigrants in cases only when a U.S. citizen, lawful permanent resident, or U.S. national relative filed the immigrant visa petition or such relative has a significant ownership interest (five percent or more) in the entity that filed the petition.

Are There Exceptions to Who Needs This Form?

The following type of intending immigrants do not need to file this form:

1. Any intending immigrant who has earned or can be credited with 40 qualifying quarters (credits) of work in the United States. In addition to their own work, intending immigrants may be able to secure credit for work performed by a spouse during marriage and by their parent(s) while the immigrants were under 18 years of age. The Social Security Administration (SSA) can provide information on how to count quarters of work earned or credited and how to provide evidence of such. See the SSA Web site at www.ssa.gov/mystatement/credits for more information;
2. Any intending immigrant who will, upon admission, acquire U.S. citizenship under section 320 of the Immigration and Nationality Act (INA), as amended by the Child Citizenship Act of 2000 (CCA);

3. Self-petitioning widows(ers) who have an approved Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360; and
4. Self-petitioning battered spouses and children who have an approved Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360.

NOTE: If you qualify for one of the exemptions listed above, submit Form I-864W, Intending Immigrant's Affidavit of Support Exemption, instead of Form I-864.

General Instructions

If you are completing this request on a computer, USCIS will capture the data you enter using 2D barcode technology. This capture will ensure that the data you provide is accurately entered into USCIS systems. As you complete each data field, the 2D barcode line at the bottom of each page will shift as data is captured. Upon receipt of your request, USCIS will use decoding equipment to extract the data from the request. Please do not damage the 2D barcode (for example, puncture, staple, spill on, write on) as this could affect the ability of USCIS to timely process your request.

USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at 1-800-375-5283 and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

Signature. Each request must be properly signed and filed. For all signatures on this request, USCIS will not accept a stamped or typewritten name in place of a signature. If you are filing this request electronically, when authorized, USCIS will accept your signature in an electronic format. If you are under 14 years of age, your parent or legal guardian may sign the request on your behalf. A legal guardian may also sign for a mentally incompetent person.

If you are under guardianship, your legal guardian may print your name and sign the Form I-864A for you. The guardian must present proof of the appointment as guardian of your estate and a copy of an order from the appointing court or agency specifically permitting the guardian to make your income and assets available for the support of the sponsored immigrant. "Guardian" includes any person who is appointed and authorized by law to protect your estate as a result of your incapacity.

Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the **Specific Instructions** section of these instructions.

Copies. You may submit legible photocopies of documents requested, unless the instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If you submit original documents when not required, the documents may remain a part of the record, and USCIS will not automatically return them to you.

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

How to Fill Out Form I-864

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this affidavit, use the space provided in **Part 11. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None," unless otherwise directed.

Specific Instructions

Part 1. Basis for Filing Affidavit of Support.

Select **Item Number 1.a.** If you are the petitioner who is filing or who has already filed a Form I-129F, Petition for Alien Fiance', for a fiancé(e), Form I-130, Petition for Alien Relative, for a family member, or Form I-600, Petition to Classify Orphan as an Immediate Relative, or Form I-600A, Application for Advance Processing of Orphan Petition, for an orphan.

Select **Item Number 1.b.** If you are filing or have filed Form I-140, Immigrant Petition for Alien Worker, for your husband, wife, father, mother, child, adult son or daughter, brother, or sister.

Select **Item Number 1.c.** If you have an ownership interest of at least 5 percent in a business, corporation or other entity that filed or is filing Form I-140 for your husband, wife, father, mother, child, adult son or daughter, brother, or sister.

Select **Item Number 1.d.** If you are the only joint sponsor.

Select **Item Number 1.e.** If you are either of two joint sponsors.

NOTE: A joint sponsor does not have to be related to the intending immigrant. Indicate whether you are the only joint sponsor or one of two joint sponsors. Check with the petitioning sponsor or the intending immigrant if you are not certain.

Select **Item Number 1.f.** If you are the substitute sponsor. A substitute sponsor is a sponsor who is completing a Form I-864 on behalf of an intending immigrant whose original Form I-130 petitioner has died after the Form I-130 was approved, but before the intending immigrant obtained permanent residence. The substitute sponsor must be related to the intending immigrant in one of the following ways: spouse, parent, mother-in-law, father-in-law, sibling, child (at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild or legal guardian. The substitute sponsor must also be a U.S. citizen, lawful permanent resident or U.S. national. If you are a substitute sponsor, you must sponsor each intending immigrant.

Part 2. Information on the Principal Immigrant.

The principal immigrant is the intending immigrant who is the primary beneficiary of the visa petition.

Item Number 1.a.-1.c. Name. Provide the full name of the principal immigrant.

Item Number 2.a.-2.i. Mailing Address. Provide the Mailing Address of the principal immigrant.

Item Number 3. Citizenship or Nationality. Provide the citizenship or nationality of the principal immigrant.

Item Number 4. Date of Birth. Provide the date of birth of the principal immigrant in mm/dd/yyyy format.

Item Number 5. Alien Registration Number (A-Number) (if any). A number assigned by the former Immigration and Naturalization Service (INS) or U.S. Citizenship and Immigration Services (USCIS). Persons with A-Numbers can locate the number on their INS or USCIS-issued documentation. If the intending immigrant(s) you are sponsoring have not previously been in the United States or have only been in the United States as tourists, they probably do not have A-Numbers.

Item Number 6. USCIS ELIS Account Number (if any). If the principal immigrant has previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide the USCIS ELIS Account Number they were issued by the system. The USCIS ELIS Account Number is not the same as an A-Number. If they were issued a USCIS ELIS Account Number, enter it in the space provided.

Part 3. Information on Immigrant(s) You Are Sponsoring.

1. Indicate whether you are sponsoring the principal immigrant listed in **Part 2.** of this Form I-864. This only applies to cases with two joint sponsors. Select "No" if you are sponsoring only intended immigrants listed in **Part 3, Item Numbers 2.a. - 6.g.** and not the principal immigrant listed in **Part 2.**

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- 2. Family Members.** The immigrant you are sponsoring may be bringing a spouse and/or children to the United States. If the spouse and/or children will be traveling with the immigrant, or within 6 months of the immigrant's entry to the United States and you are sponsoring them, you should list the names and other requested information on the lines provided. If any dependents are not immigrating, will be immigrating more than 6 months after the sponsored alien arrives in the United States, or you are not sponsoring them, do not list their names here. A separate Form I-864 will be required for them when they apply for their immigrant visas.

Part 4. Information on the Sponsor (You)

Item Number 1.a.-1.c. Sponsor's Full Name. Provide your (the sponsor's) full name.

Item Number 2.a.-2.i. Sponsor's Mailing Address. Provide your (the sponsor's) current mailing address.

Item Number 3.-4.h. Sponsor's Physical Address (Place of Residence). Provide the physical address where you (the sponsor) live, if different from your mailing address.

Other Information

Item Number 5. Country of Domicile. This question is asking you to indicate the country where you maintain your principal residence and where you plan to reside for the foreseeable future. If your mailing address and/or place of residence is not in the United States, but your country of domicile is the United States, you must attach a written explanation and documentary evidence indicating how you meet the domicile requirement. If you are not currently living in the United States, you may meet the domicile requirement if you can submit evidence to establish that any of the following conditions apply:

- 1.** You are employed by a certain organization.

Some individuals employed overseas are automatically considered to be domiciled in the United States because of the nature of their employment. The qualifying types of employment include employment by:

- A.** The U.S. Government;
- B.** An American institution of research recognized by the Secretary of Homeland Security (the list of qualifying institutions may be found at 8 CFR 316.20);
- C.** A U.S. 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 or corporation;
- D.** A public international organization in which the United States participates by treaty or statute;
- E.** A religious denomination having a bona fide organization in the United States, if the employment abroad involves the person's performance of priestly or ministerial functions on behalf of the denomination; or
- F.** A religious denomination or interdenominational missionary organization having a bona fide organization in the United States, if the person is engaged solely as a missionary.

- 2.** You are living abroad temporarily.

If you are not currently living in the United States, you must show that your trip abroad is temporary and that you have maintained your domicile in the United States. You can show this by providing proof of your voting record in the United States, proof of paying U.S. State or local taxes, proof of having property in the United States, proof of maintaining bank or investment accounts in the United States, or proof of having a permanent mailing address in the United States. Other proof could be evidence that you are a student studying abroad or that a foreign government has authorized a temporary stay.

- 3.** You intend in good faith to reestablish your domicile in the United States no later than the date of the intending immigrant's admission or adjustment of status.

You must submit proof that you have taken concrete steps to establish that you will be domiciled in the United States at a time no later than the date of the intending immigrant's admission or adjustment of status. Concrete steps might include accepting a job in the United States, signing a lease or purchasing a residence in the United States, or registering children in U.S. schools. Please attach proof of the steps you have taken to establish domicile as described above.

Item Number 6. Date of Birth. Provide your date of birth in the mm/dd/yyyy format.

Item Number 7.- 9. Location of Birth. Provide the city or town, state or province, and country of your birth.

Item Number 10. U.S. Social Security Number. (Required) Section 213A(i) of the INA requires you to include your U.S. Social Security Number on this Form I-864. If you do not have a U.S. Social Security Number, you must obtain one before submitting your Form I-864. If you do not provide your information, USCIS cannot accept your Form I-864, and the intending immigrant(s) may not be able to immigrate to the United States. Your U.S. Social Security Number may be used to verify, and if necessary, to enforce, your obligations under the Form I-864.

Item Numbers 11.a. - 11.d. Citizenship or Nationality. You must provide proof that you are a U.S. citizen, U.S. national, or lawful permanent resident for joint and substitute sponsors and for relatives of employment-based immigrants who file Form I-864. Petitioning relatives who have already filed proof of their citizenship or immigration status with Form I-129F, Form I-130, Form I-600 and Form I-600A do not need to submit proof of their status with this form.

Proof of U.S. citizen or U.S. national status includes a copy of your birth certificate, certificate of naturalization, certificate of citizenship, consular report of birth abroad to U.S. citizen parents, or a copy of the biographic data page of your U.S. passport.

Proof of lawful permanent resident status includes a photocopy of both sides of the Permanent Resident Card or Alien Registration Receipt Card (Form I-551), or a photocopy of an unexpired temporary I-551 stamp in either a foreign passport or a DHS Form I-94, Arrival-Departure Document.

Item Number 12. USCIS ELIS Account Number (if any). If you (the sponsor) have previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide the USCIS ELIS Account Number you were issued by the system. The USCIS ELIS Account Number is **not** the same as an A-Number. If you were issued a USCIS ELIS Account Number, enter it in the space provided.

Item Number 13. Military Service. Select “Yes” if you are the petitioning sponsor and on active duty in the U.S. Army, Marines, Navy, Air Force, or Coast Guard, other than for training. If you provide evidence that you are currently on active duty in the military and you are petitioning for your spouse or minor child, you will need to demonstrate income at only 100 percent of the poverty level for your household size, instead of at 125 percent of the poverty level. (See Form I-864P, Poverty Guidelines, for information on the poverty levels.) Select “No” if you are not on active duty in the U.S. military. This provision does not apply to joint and substitute sponsors.

Part 5. Sponsor’s Household Size.

Add together the number of persons for whom you are financially responsible. Some of these persons may not be residing with you. Make sure you do not count any individual more than once. In some cases the same person could fit into two categories, for example, your spouse, whom you would enter in **Item Number 3.**, might also be a lawful permanent resident whom you have already sponsored using Form I-864 **Item Number 6.** If you included your spouse on **Item Number 3.**, do not include him or her again on **Item Number 6.**

Item Number 4. Enter the number of unmarried children you have who are under age 21, even if you do not have legal custody of these children. You may exclude any unmarried children under 21, if these children have reached majority under the law of their place of domicile and you do not claim them as dependents on your income tax returns.

Item Number 5. Enter the number of any other dependents. You must include each and every person whom you have claimed as a dependent on your most recent Federal income tax return, even if that person is not related to you. Even if you are not legally obligated to support that person, you must include the person if in fact you did support that person and claimed the person as a dependent.

Item Number 6. Enter the number of lawful permanent residents whom you are currently obligated to support based on your previous submission of Form I-864 as a petitioning, substitute, or joint sponsor, or of Form I-864EZ, Affidavit of Support Under Section 213A of the INA, as a petitioning sponsor. Include only those persons who have already immigrated to the United States. Do not include anyone for whom your obligation to support has ended through the sponsored immigrant’s acquisition of U.S. citizenship, death, abandonment of lawful permanent residence in the United States, acquisition of 40 quarters of earned or credited work in the United States, or obtaining a new grant of adjustment of status while in removal proceedings based on a new affidavit of support, if one is required.

Item Number 7. This question gives you the option of including certain other non-dependent relatives who are living in your residence as part of your household size. Such relatives may include your mother, father, sister, brother or adult children, if they are living in your residence, however, the only reason to include these family members in your household size is if you need to include their income when you calculate your household income for purposes of meeting the income requirement for this form. To be considered, any relative indicated in this category must sign and submit Form I-864A, Contract Between Sponsor and Household Member.

Part 6. Sponsor's Employment and Income.

Job Classification.

Item Numbers 1. - 5. Select the appropriate box that applies to you and provide the requested information.

Item Number 6. Current Individual Annual Income. Enter your current individual earned or retirement annual income that you are using to meet the requirements of this form and indicate the total on this line.

You may include evidence supporting your claim about your expected income for the current year if you believe that submitting this evidence will help you establish ability to maintain sufficient income. You are not required to submit this evidence, however, unless specifically instructed to do so by a Government official. For example, you may include a recent letter from your employer, showing your employer's address and telephone number, and indicating your annual salary. You may also provide pay stub(s) showing your income for the previous 6 months. If your claimed income includes alimony, child support, dividend or interest income, or income from any other source, you may also include evidence of that income.

Item Number 7.a-13. Annual Household Income. This section is used to determine the sponsor's household income. Take your annual individual income from **Item Number 6.** and enter it on **Item Number 7.c.** If this amount is greater than 125 percent (or 100 percent if you are on active duty in the U.S. military and sponsoring your spouse or child) of the Federal Poverty Guidelines for your household size from **Part 5., Item Number 8.,** you do not need to include any household member's income. See Form I-864P for reference on the Poverty Guidelines.

To determine the filing requirements for your relatives included in **Part 6., Item Numbers 8. - 10.,** follow these instructions:

- A. If you included the income of your spouse listed in **Part 5., Item Number 3.,** or any child listed in **Part 5., Item Number 4.,** or any dependent listed in **Part 5., Item Number 5.,** or any siblings, parents, or adult children listed in **Part 5., Item Number 7.,** each one of these individuals must be over 18 years of age and must complete Form I-864A.
- B. If you included the income of the intending immigrant who is your spouse (he or she would be counted on **Part 5., Item Number 7.,**) evidence that his/her income will continue from the current source after obtaining lawful permanent resident status must be provided. He/she does not need to complete Form I-864A unless he/she has accompanying children.
- C. If you included the income of the intending immigrant who is not your spouse, (he or she would be counted on **Part 5., Item Number 1.,**) evidence that his or her income will continue from the current source after obtaining lawful permanent resident status must be provided and the intending immigrant must provide evidence that he/she is living in your residence. He or she does not need to complete Form I-864A, unless he or she has an accompanying spouse or children.

Item Numbers 14.a. - 16. Federal Income Tax Information.

You must provide either an IRS transcript or a photocopy from your own records of your Federal individual income tax return for the most recent tax year. If you believe additional returns may help you to establish your ability to maintain sufficient income, you may submit transcripts or photocopies of your Federal individual income tax returns for the three most recent years.

You are not required to have the IRS certify the transcript or photocopy unless specifically instructed to do so by a Government official; a plain transcript or photocopy is acceptable. Telefile tax records are not acceptable proof of filing.

Do not submit copies of your State income tax returns. Do not submit any tax returns that you filed with any foreign government unless you claim that you were not required to file a Federal tax return with the United States government and you wish to rely on the foreign return solely to establish the amount of your income that is not subject to tax in the United States.

If you provide a photocopy of your tax return(s), you must include a copy of each and every Form W-2 and Form 1099 that relates to your return(s). Do not include copies of these Forms if you provide an IRS transcript of your return(s) rather than a photocopy.

If you selected **Item Number 2**, in **Part 6**, that you are self-employed, you should have completed one of the following forms with your Federal income tax return: Schedule C (Profit or Loss from Business), Schedule D (Capital Gains), Schedule E (Supplemental Income or Loss) or Schedule F (Profit or Loss from Farming). You must include each and every Form 1040 Schedule, if any, that you filed with your Federal tax return.

If you were required to file a Federal income tax return during any of the previous three tax years but did not do so, you must file all late returns with IRS and attach an IRS-generated tax return transcript documenting your late filing before submitting Form I-864. If you were not required to file a Federal income tax return under U.S. tax law because your income was too low, attach a written explanation. If you were not required to file a Federal income tax return under U.S. tax law for any other reason, attach a written explanation including evidence of the exemption and how you are subject to it. Residence outside of the United States does not exempt U.S. citizens or lawful permanent residents from filing a U.S. Federal income tax return. See “**Filing Requirements**” in the IRS Form 1040 Filing Instructions to determine whether you were required to file.

For purposes of this request, the line for gross (total) income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040 EZ, the line for adjusted gross income will be considered.

Obtaining Tax Transcripts. You may use Internal Revenue Service (IRS) Form 4506-T to request tax transcripts from the IRS. Complete IRS Form 4506-T with the ending date for each of your three most recent tax years listed on **Item Number 9**. Follow all instructions for completing and filing Form 4506-T with the IRS.

Part 7. Use of Assets to Supplement Income. (Optional)

Only complete **Part 7**, if you need to use the value of assets to meet the income requirements. If your Total Household Income (indicated on **Item Number 10**, of **Part 6**.) is equal to or more than needed to meet the income requirement as shown by the current Poverty Guidelines (Form I-864P) for your household size (indicated on **Item Number 8**, of **Part 5**.), you do not need to complete this Part. If your total household income does not meet the requirement, you may submit evidence of the value of your assets, the sponsored immigrant’s assets, and/or assets of a household member that can be used, if necessary, for the support of the intending immigrant(s). The value of assets of all of these persons may be combined in order to meet the necessary requirement.

Only assets that can be converted into cash within one year and without considerable hardship or financial loss to the owner may be included. The owner of the asset must include a description of the asset, proof of ownership, and the basis for the owner’s claim of its net cash value.

You may include the net value of your home as an asset. The net value of the home is the appraised value of the home, minus the sum of any and all loans secured by a mortgage, trust deed, or other lien on the home. If you wish to include the net value of your home, this, you must include documentation demonstrating that you own it, a recent appraisal by a licensed appraiser, and evidence of the amount of any and all loans secured by a mortgage, trust deed, or other lien on the home. You may not include the net value of an automobile unless you show that you have more than one automobile, and at least one automobile is not included as an asset.

Item Numbers 1. - 4. Assets. To use your own assets, you must complete **Part 7, Item Numbers 1. - 4.** and submit corresponding evidence with this form. Supporting evidence must be attached to establish location, ownership, date of acquisition, and value of any real estate holding.

Item Number 5. Household Member’s Assets. To use the assets of a relative (spouse, adult son or daughter, parent or sibling), the relative must reside with you and have completed a Form I-864A with accompanying evidence of assets. The Form I-864A and accompanying evidence of assets is submitted with Form I-864. You may use the assets of more than one relative who resides with you so long as you submit a complete Form I-864A with evidence of assets for each such relative.

Item Numbers 6. - 9. Assets of the Intending Immigrant. You may use the assets of the intending immigrant regardless of where he or she resides. The intending immigrant must provide evidence of such assets with this form. Add together **Item Numbers 6. - 8.** and enter the total number in **Item Number 9**. Form I-864A is not required to document the intending immigrant’s assets.

Item Number 10. Total Value of Assets. In order to qualify based on the value of your assets, the total value of your assets must equal at least five times the difference between your total household income and the current poverty guidelines for your household size, however, if you are a U.S. citizen and you are sponsoring your spouse or minor child, the total value of your assets must only be equal to at least three times the difference. If the intending immigrant is an alien orphan who will be adopted in the United States after the alien orphan acquires permanent residence, and who will, as a result, acquire citizenship under section 320 of the INA, the total value of your assets need only equal the difference.

Example of How to Use Assets: If you are petitioning for a parent and the poverty line for your household size is \$22,062 and your current income is \$18,062, the difference between your current income and the poverty line is \$4,000. In order for assets to help you qualify, the combination of your assets, plus the assets of any household member who is signing Form I-864A, plus any available assets of the sponsored immigrant, would have to equal five times this difference (5 x \$4,000). In this case, you would meet the income requirements if the net value of the assets equaled at least \$20,000.

Part 8. Sponsor's Contract, Statement, Contact Information, Certification, and Signature

Read the contract carefully, then sign and date the request. **If you do not sign and date the request, the intending immigrant you are sponsoring cannot be issued a visa or be granted adjustment of status.**

Select the appropriate box to indicate that you either read this request yourself or someone interpreted this request for you from English to a language in which you are fluent. If applicable, select the box to indicate if someone prepared this request for you. Further, you must sign and date your request and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every request **MUST** contain the signature of the requestor (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

Part 9. Interpreter's Contact Information, Certification, and Signature

If you used anyone as an interpreter to read the instructions and questions on this request to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, and his or her email address (if any). The interpreter must sign and date the request.

Part 10. Contact Information, Certification, and Signature of the Person Preparing this Affidavit, If Other Than the Sponsor

This section must contain the signature of the person who completed your request, if other than you, the sponsor. If the same individual acted as your interpreter and your preparer, that person should complete both **Part 9**, and **Part 10**. If the person who completed this request is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you prepare this request **MUST** sign and date the request. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your request is an attorney or accredited representative, he or she must also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your request, if his or her representation extends beyond preparation of this form.

We recommend that you print or save a copy of your completed request to review in the future or for your records.

Part 11. Additional Information

If you need extra space to provide any additional information within this affidavit, use the space provided in **Part 11. Additional Information**. If you need more space than what is provided in **Part 11**, you may make copies of **Part 11**. to complete and file with your affidavit, or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

Specific Requirements

Who Completes and Signs Form I-864?

A sponsor completes and signs Form I-864. A sponsor is required to be at least 18 years of age and domiciled in the United States, or its territories or possessions (See **Part 4. Information on the Sponsor** section of these instructions for more information on domicile). The petitioning sponsor must sign and complete Form I-864, even if a joint sponsor also submits an I-864 to meet the income requirement. The list below identifies who must become sponsors by completing and signing a Form I-864.

- D. The U.S. citizen, lawful permanent resident, or U.S. national who filed a Form I-129F, Petition for Alien Fiance(e), for a fiance (e), Form I-130, Petition for Alien Relative, for a family member; Form I-600, Petition to Classify Orphan as an Immediate Relative, or Form I-600A, Application for Advance Processing of Orphan Petition, for an orphan.
- E. The U.S. citizen or lawful permanent resident alien who filed a Form I-140, Immigrant Petition for Alien Worker, for a spouse, parent, son, daughter, or sibling who: (1) has a significant ownership interest (5 percent or more) in the business which filed the employment-based immigrant visa petition; or (2) is related to the intending immigrant as a spouse, parent, son, daughter, or sibling.

What Are the Income Requirements?

To qualify as a sponsor, you must demonstrate that your income is at least 125 percent of the current Federal poverty guideline for your household size. The Federal poverty line, for purposes of this form, is updated annually and can be found on Form I-864P, Poverty Guidelines, on the USCIS Web site at www.uscis.gov.

If you are on active duty in the U.S. Armed Forces, including the Army, Marines Navy, Air Force or Coast Guard, and you are sponsoring your spouse or minor child, you only need to have an income of 100 percent of the Federal poverty line for your household size. This provision does not apply to joint or substitute sponsors.

How Do I Count Household Size?

Your household size includes yourself and the following individuals, no matter where they live: any spouse, any dependent children under the age of 21, any other dependents listed on your most recent Federal income tax return, all persons being sponsored in this affidavit of support, and any immigrants previously sponsored with a Form I-864 or Form I-864 EZ, Affidavit of Support Under Section 213A of the Act, whom you are still obligated to support. If necessary to meet the income requirements to be a sponsor, you may include additional relatives (adult children, parents, or siblings) as part of your household size as long as they have the same principle residence as you and promise to use their income and resources in support of the intending immigrant(s).

What If I Cannot Meet the Income Requirements?

If your income alone is not sufficient to meet the requirement for your household size, the intending immigrant will be ineligible for an immigrant visa or adjustment of status, unless the requirement can be met using any combination of the following:

1. Income from any relatives or dependents living in your household or dependents listed on your most recent Federal tax return who signed a Form I-864A, Contract Between Sponsor and Household Member. **or**
2. Income from the intending immigrant, if that income will continue from the same source after immigration, and if the intending immigrant is currently living in your residence. If the intending immigrant is your spouse, his or her income can be counted regardless of current residence, but it must continue from the same source after he or she becomes a lawful permanent resident; **or**
3. The value of your assets, the assets of any household member who has signed a Form I-864A, or the assets of the intending immigrant; **or**
4. A joint sponsor whose income and/or assets equal at least 125 percent of the Poverty Guidelines. (See the “**What Is a Joint Sponsor**” section of these instructions for more information.)

How Can My Relatives and Dependents Help Me Meet the Income Requirements?

You may use the income of your spouse and/or any other relatives living in your residence if they are willing to be jointly responsible with you for the intending immigrant(s) you are sponsoring. If you have any unrelated dependents listed on your income tax return you may include their income regardless of where they reside.

The income of such household members and dependents can be used to help you meet the income requirements if they complete and sign Form I-864A, Contract Between Sponsor and Household Member, and if they are at least 18 years of age when they sign the form.

Can the Intending Immigrant Help Me Meet the Income Requirements?

If certain conditions are met, the intending immigrant(s) income can help you meet the income requirement. If the intending immigrant is your spouse, his or her income can be included if it will continue from the same source after he or she obtains lawful permanent resident status.

If the intending immigrant is another relative, there are two requirements:

1. The income must be continuing from the same source after he or she obtains lawful permanent resident status; and
2. The intending immigrant must currently live with you in your residence.

Evidence must be provided to support both requirements, however, an intending immigrant whose income is being used to meet the income requirement does not need to complete Form I-864A, Contract Between Sponsor and Household Member, unless the intending immigrant has a spouse and/or children immigrating with him or her. In this instance, the contract relates to support for the spouse and/or children.

Does Receipt of Means-Tested Public Benefits Disqualify Me From being a Sponsor?

No. Receipt of means-tested public benefits does not disqualify anyone from being a sponsor, however, means-tested public benefits cannot be accepted as income for the purposes of meeting the income requirement.

How Can I Use Assets to Qualify?

Assets may supplement income if the consular or immigration officer is convinced that the monetary value of the asset could reasonably be made available to support the sponsored immigrant and converted to cash within one year without undue harm to the sponsor or his or her family members. You may not include an automobile unless you show that you own at least one working automobile that you have not included.

What Is a Joint Sponsor?

If the person who is seeking the immigration of one or more of his or her relatives cannot meet the income requirements, a joint sponsor who can meet the requirements may submit a Form I-864 to sponsor all or some of the family members.

A joint sponsor can be any U.S. citizen, U.S. national, or lawful permanent resident who is at least 18 years old, domiciled in the United States, or its territories or possessions, and willing to be held jointly liable with the petitioner for the support of the intending immigrant. A joint sponsor does not have to be related to the petitioning sponsor or the intending immigrant.

If the first joint sponsor completes Form I-864 for some rather than all the family members, a second qualifying joint sponsor will be required to sponsor the remaining family members. There may be no more than two joint sponsors. A joint sponsor must be able to meet the income requirements for all the persons he or she is sponsoring without combining resources with the petitioning sponsor or a second joint sponsor. Any dependents applying for an immigrant visa or adjustment of status more than 6 months after immigration of the intending immigrants must be sponsored by the petitioner but may be sponsored by an original joint sponsor or a different joint sponsor.

NOTE: Even if one or more Form I-864s are submitted for an intending immigrant, the petitioning sponsor remains legally accountable for the financial support of the sponsored alien along with the joint sponsor(s).

What Is a Substitute Sponsor?

A substitute sponsor is a sponsor who is completing a Form I-864 on behalf of an intending immigrant whose original Form I-130 petitioner has died after the Form I-130 was approved, but before the intending immigrant obtained permanent residence.

The substitute sponsor must be related to the intending immigrant in one of the following ways: spouse, parent, mother-in-law, father-in-law, sibling, child (at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild or legal guardian. The substitute sponsor must also be a U.S. citizen, lawful permanent resident, or U.S. national.

If you are a substitute sponsor, you must indicate that that you are related to the intending immigrant in one of the ways listed above and include evidence proving that relationship. The beneficiary must also file this form along with a written statement explaining the reasons why the Form I-130 visa petition should be reinstated, having been revoked following the petitioner's death. The beneficiary must also include a copy of the Form I-130 approval notice.

How Long Does My Obligation as a Sponsor Continue?

Your obligation to support the immigrant(s) you are sponsoring in this affidavit of support will continue until the sponsored immigrant becomes a U.S. citizen, or can be credited with 40 qualifying quarters of work in the United States.

Although 40 qualifying quarters of work (credits) generally equate to 10 years of work, in certain cases the work of a spouse or parent adds qualifying quarters. The Social Security Administration can provide information on how to count qualifying quarters (credits) of work.

The obligation also ends if you or the sponsored immigrant dies or if the sponsored immigrant ceases to be a lawful permanent resident and departs the United States. Divorce does not end the sponsorship obligation.

Do I Need to Submit a Separate Affidavit for Each Family Member?

You must submit a Form I-864 affidavit of support for each intending immigrant you are sponsoring. You may submit photocopies if you are sponsoring more than one intending immigrant listed on the same affidavit of support.

Separate affidavits of support are required for intending immigrants for whom different Form I-130 family-based petitions were filed. For instance, if you are sponsoring both parents, each will need an original affidavit of support and accompanying documentation since you were required to submit separate Form I-130 visa petitions for each parent. Often a spouse or minor children obtain visas or adjust status as dependents of a relative, based on the same visa petition. If you are sponsoring such dependents, you only need to provide a photocopy of the original Form I-864, as long as these dependents are immigrating at the same time as the principal immigrant or within 6 months of the time he or she immigrates to the United States. You do not need to provide copies of the supporting documents for each of the photocopied Forms I-864.

What is the Filing Fee?

There is no fee to file Form I-864.

Where To File?

Please see our Web site at www.uscis.gov/i-864 or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this affidavit. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Address Changes

If you have changed your address, you must inform USCIS of your new address within 30 days of the change. To do this, you must complete and file a Form I-865, Sponsor's Change of Address. For information on filing Form I-865, go to the USCIS Web site at www.uscis.gov/I-865 or contact the National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: Do not complete Form I-865 at the same time that you complete the Form I-864. You should complete and submit Form I-865 to USCIS only when the address you indicated on the original Form I-864 has changed.

This requirement does not relieve a lawful permanent resident sponsor from filing a change of address within 10 days of the change. For information on filing a change of address, go to the USCIS Web site at www.uscis.gov/addresschange or contact the National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: Do not submit a change of address request to USCIS Lockbox facilities because these facilities do not process change of address requests.

Processing Information

Initial Processing. Once USCIS accepts your request we will check it for completeness. If you do not completely fill out this request, you will not establish a basis for your eligibility and USCIS may reject or deny your request.

Requests for More Information. We may request that you provide more information or evidence to support your request. We may also request that you provide the originals of any copies you submit. USCIS will return any requested originals when they are no longer needed.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your request. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

Decision. The decision on Form I-864 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

USCIS Forms and Information

To ensure you are using the latest version of this request, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our online system, **InfoPass**, at infopass.uscis.gov. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-864, we will deny your Form I-864 and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

The Government may pursue verification of any information provided on or in support of this form, including employment, income, or assets with the employer, financial or other institutions, the Internal Revenue Service, or the Social Security Administration. If you include in this affidavit of support any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.

If you fail to give notice of your change of address, as required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3, you may be liable for the civil penalty established by 8 U.S.C. 1183a(d)(2). The amount of the civil penalty will depend on whether you failed to give this notice because you were aware that the immigrant(s) you sponsored had received Federal, State, or local means-tested public benefits.

If the failure to report your change of address occurs with knowledge that the sponsored immigrant received means-tested public benefits (other than benefits described in section 401(b), 403(c)(2), or 411(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which are summarized in the contract in Part 8) such failure may result in a fine of not less than \$2,000 or more than \$5,000. Otherwise, the failure to report your change of address may result in a fine not less than \$250 or more than \$2,000.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this affidavit, and the associated evidence, is collected pursuant to section 213A(i) of the INA, as amended.

PURPOSE: The primary purpose for providing the requested information on this corresponding benefit application is to show that the applying immigrant has enough financial support to live without concern of becoming reliant on U.S. government welfare.

DISCLOSURE: Section 213A(i) of the Immigration and Nationality Act requires the collection of your Social Security number. Failure to provide the requested information, and any requested evidence, may prevent USCIS from accepting and approving this application, and the intending immigrant may not be able to immigrate to the United States.

ROUTINE USES: The information you provide on this benefit application may be shared with other federal, state, local, and foreign government agencies and authorized organizations in accordance with approved routine uses, as described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File (A-File) and Central Index System (CIS), which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate for law enforcement purposes or in the interest of national security.

The information may also, as a matter of routine use, be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration consistent with the consent signed as part of the contract in **Part 8.** of the Form I-864.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 6 hours per form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140. OMB No. 1615-0075. **Do not mail your completed Form I-864 to this address.**

Check List

The following items must be submitted with Form I-864:

For ALL sponsors:

- A copy of your individual Federal income tax return, including W-2s for the most recent tax year, or a statement and/or evidence describing why you were not required to file. Also include a copy of each and every Form 1099, Schedule, and any other evidence of reported income. You may submit this information for the most recent 3 tax years, pay stub(s) from the most recent 6 months, and/or a letter from your employer if you believe any of these items will help you qualify.

For SOME sponsors:

- If you are currently self-employed, a copy of your Schedule C, D, E or F from your most recent Federal Tax Return which establishes your income from your business.
- If you are sponsoring more than one intending immigrant listed on the same affidavit of support, photocopies of the original affidavit of support may be submitted for any additional intending immigrants listed. Copies of supporting documentation are not required for these family members.
- If you are the petitioning sponsor and on active duty in the U.S. Armed Forces and are sponsoring your spouse or child using 100 percent of governing poverty guideline, proof of your active military status.
- If you are using the income of persons in your household or dependents to qualify,
- A separate Form I-864A for each person whose income you will use. However, an intending immigrant whose income is being used needs to complete Form I-864A only if his or her spouse and/or children are immigrating with him or her.
- Proof of their residency in your household and relationship to you if they are not the intending immigrants or are not listed as dependents on your Federal income tax return for the most recent tax year.
- Proof that the intending immigrant's current employment will continue from the same source if his or her income is being used.
- A copy of their individual Federal income tax return, including W-2s and 1099s, for the most recent tax year, or evidence that they were not required to file. You may submit this information for the most recent 3 years if you believe it will help you qualify.
- If you use your assets or the assets of a household member to qualify,
- Documentation of assets establishing location, ownership, date of acquisition and value. Evidence of any liens or liabilities against these assets.
- A separate Form I-864A for each household member using assets other than for the intending immigrant.
- If you are a joint sponsor, substitute sponsor, or the relative of an employment-based immigrant requiring an affidavit of support, proof of your citizenship status, U.S. national status or lawful permanent resident status.
- For U.S. citizens or nationals, a copy of your birth certificate, passport, or certificate of naturalization or citizenship.
- For lawful permanent residents, a copy of both sides of your Form I-551, Permanent Resident Card.



Contract Between Sponsor and Household Member

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS Form I-864A
OMB No. 1615-0075
Expires 03/31/2015

For Government Use Only

This Form I-864A relates to a household member who:

IS the intended immigrant IS NOT the intended immigrant Reviewed By: _____

Location: _____ Date (mm/dd/yyyy): _____

▶ **START HERE.** Type or print in black ink.

Part 1. Information About You (the Household Member)

1.a. Family Name (Last Name) _____

1.b. Given Name (First Name) _____

1.c. Middle Name _____

3.d. State _____ 3.e. ZIP Code _____

3.f. Province _____

3.g. Postal Code _____

3.h. Country _____

Mailing Address

2.a. Street Number and Name _____

2.b. Apt. Ste. Flr. _____

2.c. City or Town _____

2.d. State _____ 2.e. ZIP Code _____

2.f. Province _____

2.g. Postal Code _____

2.h. Country _____

Other Information

4. Date of Birth (mm/dd/yyyy) _____

Place of Birth _____

5.a. City or Town _____

5.b. State or Province _____

5.c. Country _____

6. U.S. Social Security Number (if any)
▶ _____

7. USCIS ELIS Account Number (if any)
▶ _____

2.i. Is your current mailing address the same as your physical address? Yes No

If you answered "No" to **Item Number 2.i.**, provide your physical address below.

Physical Address (Place of Residence) (if different from the mailing address)

3.a. Street Number and Name _____

3.b. Apt. Ste. Flr. _____

3.c. City or Town _____

Part 2. Your (the Household Member's) Relationship to the Sponsor

Select **Item Number 1.a., 1.b., or 1.c.**

1.a. I am in the intending immigrant and also the sponsor's spouse.

1.b. I am the intending immigrant and also a member of the sponsor's household.

Part 2. Your (the Household Member's) Relationship to the Sponsor (continued)

1.c. I am not the intending immigrant. I am the sponsor's household member. I am related to the sponsor as his/her:

- Spouse
- Son and daughter (at least 18 years of age)
- Parent
- Brother or sister
- Other dependent (Specify)

Part 3. Your (the Household Member's) Employment and Income

I am currently:

1.a. Employed as a/an

1.a.1. Name of Employer Number 1 (if applicable)

1.a.2. Name of Employer Number 2 (if applicable)

1.b. Self employed as a/an

1.c. Retired from (Company Name)

Since (mm/dd/yyyy)

1.d. Unemployed since

(mm/dd/yyyy)

2. My current individual annual income is:

\$

Part 4. Your (the Household Member's) Federal Income Tax Information and Assets

1. I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for only the most recent tax year.

My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal tax returns for the most recent three years was:

Tax Year	Total Income
2.a. <input type="text"/> (most recent)	2.b. \$ <input type="text"/>
3.a. <input type="text"/> (2nd most recent)	3.b. \$ <input type="text"/>
4.a. <input type="text"/> (3rd most recent)	4.b. \$ <input type="text"/>

(Optional) I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.

My assets (complete only if necessary).

5.a. Enter the balance of all cash, savings, and checking accounts.

\$

5.b. Enter the net cash value of real-estate holdings. (Net means assessed value minus mortgage debt.)

\$

5.c. Enter the cash value of all stocks, bonds, certificates of deposit, and other assets not listed on **Item Number 5.a.** or **5.b.**

\$

5.d. Add together **Item Numbers 5.a., 5.b., and 5.c.** and enter the number here.

\$

Part 5. Sponsor's Promise, Statement, Contact Information, Certification, and Signature

I, THE SPONSOR,

(Print Name)

in consideration of the household member's promise to support the following intending immigrant(s) and to be jointly and severally liable for any obligations I incur under the affidavit of support, promise to complete and file an affidavit of support on behalf of the following named intended immigrants(s).

(Indicate Number)

Part 5. Sponsor's Promise, Statement, Contact Information, Certification, and Signature
(continued)

Intending Immigrant Number 1

Name

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

1.d. Date of Birth (mm/dd/yyyy)

1.e. A-Number (if any)
▶ A-

1.f. U.S. Social Security Number (if any)
▶

1.g. USCIS ELIS Account Number (if any)
▶

Intending Immigrant Number 2

Name

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

2.d. Date of Birth (mm/dd/yyyy)

2.e. A-Number (if any)
▶ A-

2.f. U.S. Social Security Number (if any)
▶

2.g. USCIS ELIS Account Number (if any)
▶

Intending Immigrant Number 3

Name

3.a. Family Name (Last Name)

3.b. Given Name (First Name)

3.c. Middle Name

3.d. Date of Birth (mm/dd/yyyy)

3.e. A-Number (if any)
▶ A-

3.f. U.S. Social Security Number (if any)
▶

3.g. USCIS ELIS Account Number (if any)
▶

Intending Immigrant Number 4

Name

4.a. Family Name (Last Name)

4.b. Given Name (First Name)

4.c. Middle Name

4.d. Date of Birth (mm/dd/yyyy)

4.e. A-Number (if any)
▶ A-

4.f. U.S. Social Security Number (if any)
▶

4.g. USCIS ELIS Account Number (if any)
▶

Intending Immigrant Number 5

Name

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

5.d. Date of Birth (mm/dd/yyyy)

5.e. A-Number
▶ A-

5.f. U.S. Social Security Number (if any)
▶

5.g. USCIS ELIS Account Number (if any)
▶

Part 5. Sponsor's Promise, Statement, Contact Information, Certification, and Signature
(continued)

NOTE: Read the information on penalties in the **Penalties** section of the Form I-864A Instructions before completing this part.

Sponsor's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. I can read and understand English, and have read and understand every question and instruction on this request, as well as my answer to every question.
- 1.b. The interpreter named in **Part 7.** has also read to me every question and instruction on this request, as well as my answer to every question, in , a language in which I am fluent. I understand every question and instruction on this request as translated to me by my interpreter, and have provided complete, true, and correct responses in the language indicated above.
2. I have requested the services of and consented to , who is is not an attorney or accredited representative, preparing this request for me.

Sponsor's Contact Information

3. Sponsor's Daytime Telephone Number
4. Sponsor's Mobile Telephone Number (if any)
5. Sponsor's Email Address (if any)

Sponsor's Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I furthermore authorize release of information contained in this request, in supporting documents, and in my USCIS record to other entities and persons where necessary for the administration of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Sponsor's Signature

- 6.a. Sponsor's Signature
- 6.b. Date of Signature (mm/dd/yyyy)

Part 6. Your (the Household Member's) Promise

I, THE HOUSEHOLD MEMBER,

,
(Print Name)

in consideration of the sponsor's promise to complete and file an affidavit of support on behalf of the above named intending immigrant(s).

(Print number of intending immigrants noted in **Part 5. Sponsor's Promise, Statement, Contact Information, Certification, and Signature.**)

- 1.a. Promise to provide any and all financial support necessary to assist the sponsor in maintaining the sponsored immigrant(s) at or above the minimum income provided for in section 213A(a)(1)(A) of the INA (not less than 125 percent of the Federal Poverty Guidelines) during the period in which the affidavit of support is enforceable;
- 1.b. Agree to be jointly and severally liable for payment of any and all obligations owed by the sponsor under the affidavit of support to the sponsored immigrant(s), to any agency of the Federal Government, to any agency of a State or local government, or to any other private entity that provides means-tested public benefit;
- 1.c. Certify under penalty under the laws of the United States that the Federal income tax returns submitted in support of the contract are true copies or unaltered tax transcripts filed with the Internal Revenue Service.
- 1.d. **Consideration where the household member is also the sponsored immigrant:** I understand that if I am the sponsored immigrant and a member of the sponsor's household that this promise relates only to my promise to be jointly and severally liable for any obligation owed by the sponsor under the affidavit of support to any of my dependents, to any agency of the Federal Government, to any agency of a State or local government, and to provide any and all financial support necessary to assist the sponsor in maintaining any of my dependents at or above the minimum income provided for in section 213A(s)(1)(A) of the INA (not less than 125 percent of the Federal poverty line) during the period which the affidavit of support is enforceable.

Part 6. Your (the Household Member's) Promise (continued)

1.e. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.

NOTE: Read the information on penalties in the **Penalties** section of the Form I-864A Instructions before completing this part.

Your (the Household Member's) Statement

NOTE: Select the box for either **Item Number 2.a.** or **2.b.** If applicable, select the box for **Item Number 3.**

2.a. I can read and understand English, and have read and understand every question and instruction on this request, as well as my answer to every question.

2.b. The interpreter named in **Part 7.** has also read to me every question and instruction on this request, as well as my answer to every question, in

a language in which I am fluent. I understand every question and instruction on this request as translated to me by my interpreter, and have provided complete, true, and correct responses in the language indicated above.

3. I have requested the services of and consented to , who is is not an attorney or accredited representative, preparing this request for me.

Your (the Household Member's) Contact Information

4. Your (the Household Member's) Daytime Telephone Number

5. Your (the Household Member's) Mobile Telephone Number (if any)

6. Your (the Household Member's) Email Address (if any)

Your (the Household Member's) Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I furthermore authorize release of information contained in this request, in supporting documents, and in my USCIS record to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that the information in my request and any document submitted with my request were provided by me and are complete, true, and correct.

Your (the Household Member's) Signature

7.a. Your (the Household Member's) Printed Name

7.b. Your (the Household Member's) Signature

7.c. Date of Signature (mm/dd/yyyy)

Part 7. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1.a. Interpreter's Family Name (Last Name)

1.b. Interpreter's Given Name (First Name)

2. Interpreter's Business or Organization Name (if any)

Part 7. Interpreter's Contact Information, Certification, and Signature (continued)

Interpreter's Mailing Address

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Interpreter's Contact Information

- 4. Interpreter's Daytime Telephone Number
- 5. Interpreter's Email Address (if any)

Interpreter's Certification

I certify that:

I am fluent in English and , which is the same language provided in **Part 5., Item Number 2.b.**;

I have read to this requestor and household member every question and instruction on this request, as well as the answer to every question, in the language provided in **Part 5., Item Number 2.b.**; and

The requestor and household member have informed me that he and/or she understands every instruction and question on the request, as well as the answer to every question, and the requestor and household member verified the accuracy of every answer.

Interpreter's Signature

- 6.a. Interpreter's Signature
- 6.b. Date of Signature (mm/dd/yyyy)

Part 8. Contact Information, Statement, Certification, and Signature of the Person Preparing this Request, If Other than the Household Member

Provide the following information about the preparer.

Preparer's Full Name

- 1.a. Preparer's Family Name (Last Name)
- 1.b. Preparer's Given Name (First Name)
- 2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Preparer's Contact Information

- 4. Preparer's Daytime Telephone Number
- 5. Preparer's Fax Number
- 6. Preparer's Email Address (if any)

Part 8. Contact Information, Statement, Certification, and Signature of the Person Preparing this Request, If Other than the Household Member (continued)

Preparer's Statement

- 7.a. I am not an attorney or accredited representative but have prepared this request on behalf of the household member and sponsor, and with the household member and sponsor's consent.
- 7.b. I am an attorney or accredited representative and my representation of the household member and sponsor in this case extends does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited representative whose representation extends beyond preparation of this request, you must submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

Preparer's Certification

By my signature, I certify, swear, or affirm, under penalty of perjury, that I prepared this request on behalf of, at the request of, and with the express consent of the household member and sponsor. I completed this request based only on responses the household member and sponsor provided to me. After completing the request, I reviewed it and all of the household member's and sponsor's responses with the household member and sponsor, who agreed with every answer on the request. If the household member or sponsor supplied additional information concerning a question on the request, I recorded it on the request.

Preparer's Signature

8.a. Preparer's Signature

8.b. Date of Signature (mm/dd/yyyy)

Part 9. Additional Information

If you need extra space to provide any additional information within this application, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this application or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2. A-Number (if any)
A-

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d.

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d.

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d.

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d.

7.a. Your (the Household Member's Signature)

7.b. Date of Signature (mm/dd/yyyy)

I-864

Wednesday, December 30, 2015

8:04 AM

Subject	I-864
From	Sheridan, Michael J
To	Nazer, David I; Mchenry, Laura G; Brown-Frei, Roselyn C
Sent	Wednesday, July 29, 2015 11:40 AM
Attachments	 OMB NOA ...

OMB approved the I-864 revision earlier this month. I hadn't heard.



Michael J. Sheridan
Associate Counsel

Adjudications Law Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
E-mail: michael.j.sheridan@uscis.dhs.gov
Work: 202 345 1812



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Department of Homeland Security
U.S. Citizenship and Immigration Services

FOR CERTIFYING OFFICIAL: Margaret Graves
FOR CLEARANCE OFFICER: Tyrone Huff

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received
03/31/2015

ACTION REQUESTED: Revision of a currently approved collection

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201503-1615-001

AGENCY ICR TRACKING NUMBER: I-864

TITLE: Affidavit of Support Under Section 213A of the Act

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved with change

OMB CONTROL NUMBER: 1615-0075

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 07/31/2017

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	756,300	3,265,650	0
New	756,300	3,265,650	132,177,500
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	0	0	132,177,500
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE: Approved for two years only due to lack of GPEA compliance.

OMB Authorizing Official: Dominic J. Mancini
Acting Deputy Administrator,
Office Of Information And Regulatory Affairs

IC Title	Form No.	Form Name	CFR Citation
Affidavit of Support Under Section 213A of the Act	I-864	Affidavit of Support Under Section 213A of the Act	8 CFR 213a
Affidavit of Support Under Section 213A of the Act	I-864A	Contract Between Sponsor and Household Member	8 CFR 213A
Affidavit of Support Under Section 213A of the Act	I-864EZ	Affidavit of Support of Support Under Section 213A of the Act	8 CFR 213A
Affidavit of Support Under Section 213A of the Act	I-864W	Intending Immigrant's Affidavit of Support Exemption	8 CFR 213A

Form I-864A TOC (form and instructions)

Wednesday, December 30, 2015

7:35 AM

Subject	Form I-864A TOC (form and instructions)
From	Nazer, David I
To	Post, Elizabeth A; Johnson, David P
Sent	Friday, April 10, 2015 10:04 AM
Attachments	 I864A-INS-...  I864A-FR...

Hi Elizabeth and David,

Attached are the TOCs for the I-864A Form and Instructions. I made comments where I saw something needed to be edited or deleted. Please let me know if you have any questions. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

FW: I-864EZ TOC (form and instructions)

Wednesday, December 30, 2015

7:55 AM

Subject	FW: I-864EZ TOC (form and instructions)
From	Nazer, David I
To	Mchenry, Laura G
Sent	Friday, April 10, 2015 3:06 PM
Attachments	 I864EZ-INS...  I864EZ-FR...

FYI

David

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From: Nazer, David I

Sent: Friday, April 10, 2015 4:06 PM

To: Post, Elizabeth A; Johnson, David P

Subject: I-864EZ TOC (form and instructions)

Hi Elizabeth and David,

Attached are the TOCs for the I-864EZ Form and Instructions. I made comments where I saw something needed to be edited or deleted. I also saw one issue/text that also needs to be added to Form I-864 instructions (comment highlighted in green).

Please let me know if you have any questions. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Form I-864EZ, Form TOC
Affidavit of Support Under Section 213A of the Act
OMB Number: 1615-0075
Date: 3/30/2015

Reason for Revision: Updates to format and standard language, and edits provided by subject matter experts

Location	Current Text	Proposed Text
Format	Full page format	
Page 1, Part 1. Qualifying to use Form I-864EZ	<p>START HERE. Type or print in black ink.</p> <p>1.a. I am the petitioner of the family member sponsored on this form. <input type="checkbox"/> Yes <input type="checkbox"/> No (Use Form I-864)</p> <p>1.b. I am using my own earned or retirement income which is documented using IRS Form W-2. <input type="checkbox"/> Yes <input type="checkbox"/> No (Use Form I-864)</p> <p>1.c. The sponsored immigrant is the only person immigrating based on the underlying visa petition. <input type="checkbox"/> Yes <input type="checkbox"/> No (Use Form I-864)</p>	
Page 1, Part 2. Information on the immigrant you are sponsoring	<p>1. Name of Immigrant Last Name First Name Middle Name</p> <p>2. Mailing Address Street Number and Name <i>(include apartment number)</i> City State or Province Zip/Postal Code</p>	

(b)(5)

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	<p>Country</p> <p>3. Telephone Number (<i>Include area code or country and city codes</i>)</p> <p>4. Date of Birth (<i>mm/dd/yyyy</i>)</p> <p>5. Alien Registration Number (<i>if any</i>) A-</p> <p>6. Social Security Number (if any)</p>
<p>Page 2, Part 3. Information on the Sponsor (You)</p>	<p>7. Name of Sponsor Last Name First Name Middle Name</p> <p>8. Mailing Address</p> <p>Street Number and Name (<i>include apartment number</i>) City State or Province Zip/Postal Code</p> <p>Country</p> <p>9. Place of Residence (<i>if different from mailing address</i>)</p> <p>Street Number and Name (<i>include apartment number</i>) City</p>

(b)(5)

	<p>State or Province Zip/Postal Code</p> <p>Country</p> <p>10. Country of Domicile Country</p> <p>11. Date of Birth (<i>mm/dd/yyyy</i>)</p> <p>12. Place of Birth City State or Province Country</p> <p>13. U.S. Social Security Number (<i>required</i>)</p> <p>14. Citizenship/Residency ___ I am a U.S. citizen ___ I am a Lawful Permanent Resident. My alien registration number is A -</p> <p>15. Military Service I am currently on active duty in the U.S. armed services. Yes/No</p>
Page 2, Sponsor's household size.	<p>16. Your Household Size- <u>Do not count anyone twice.</u></p> <p>a. Yourself and the person you are sponsoring on this form.</p> <p>b. Your spouse.</p>

(b)(5)

	<p>c. Your dependent children under age 21.</p> <p>d. If you have sponsored any other persons on an I-864 who are now lawful permanent residents in the United States, enter the number here.</p> <p>e. If you have any other dependents listed on your most recent Federal Income tax return, enter the number here.</p> <p>f. Add together lines a, b, c, d and e and enter the number here.</p> <p>This is your HOUSEHOLD SIZE for the purposes of this form.</p>
<p>Page 3, Part 5. Sponsor's income and employment.</p>	<p>17. I am currently:</p> <p>a. Employed as a/an Name of Employer (if applicable)</p> <p>Name of Second Employer (if applicable)</p> <p>b. Retired since (mm/dd/yyyy) Name of Former Employer</p> <p>18. My individual annual income is currently:</p>

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19. Federal income tax information:
I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for only the most recent tax year.

(Optional) I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.

My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal tax returns for the most recent three years was:

Tax Year	Total Income
(most recent)	\$ _____
(2 nd most recent)	\$ _____
(3 rd most recent)	\$ _____

Page 4, Part 6. Sponsor's Contract

Please note that, by signing this Form I-864EZ, you agree to assume certain specific obligations under the Immigration and Nationality Act and other Federal laws. The following paragraphs describe those obligations. Please read the following information carefully before you sign the Form I-864EZ. If you do not understand the obligations, you may wish to consult an attorney or accredited representative.

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What Is the Legal Effect of My Signing a Form I-864EZ?

If you sign a Form I-864EZ on behalf of any person (called the "intending immigrant") who is applying for an immigrant visa or for adjustment of status to a permanent resident, and that intending immigrant submits the Form I-864EZ to the U.S. Government with his or her application for an immigrant visa or adjustment of status, under section 213A of the Immigration and Nationality Act these actions create a contract between you and the U. S. Government. The intending immigrant's becoming a permanent resident is the "consideration" for the contract.

Under this contract, you agree that, in deciding whether the intending immigrant can establish that he or she is not inadmissible to the United States as an alien likely to become a public charge, the U.S. Government can consider your income and assets to be available for the support of the intending immigrant.

What If I Choose Not To Sign a Form I-864EZ?

You cannot be made to sign a Form I-864EZ if you do not want to do so. But if you do not sign the Form I-864EZ, the intending immigrant may not be able to become a permanent resident in the United States.

What Does Signing the Form I-864EZ Require Me to Do?

If an intending immigrant becomes a permanent resident in the United States based on a Form I-864EZ that you have signed, then, until your

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obligations under the Form I-864EZ terminate, you must:

- Provide the intending immigrant any support necessary to maintain him or her at an income that is at least 125 percent of the Federal Poverty Guidelines for his or her household size (100 percent if you are the petitioning sponsor and are on active duty in the U.S. Armed Forces and the person is your husband, wife, unmarried child under 21 years old.)
- Notify USCIS of any change in your address, within 30 days of the change, by filing Form I-865.

What Other Consequences Are There?

If an intending immigrant becomes a permanent resident in the United States based on a Form I-864EZ that you have signed, then until your obligations under the Form I-864EZ terminate, your income and assets may be considered ("deemed") to be available to that person, in determining whether he or she is eligible for certain Federal means-tested public benefits and also for State or local means-tested public benefits, if the State or local government's rules provide for consideration ("deeming") of your income and assets as available to the person.

This provision does **not** apply to public benefits specified in section 403(c) of the Welfare Reform Act such as, but not limited to, emergency Medicaid, short-term, non-cash emergency relief, services provided under the

(b)(5)

National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; and means-tested programs under the Elementary and Secondary Education Act.

What If I Do Not Fulfill My Obligations?

If you do not provide sufficient support to the person who becomes a permanent resident based on the Form I-864EZ that you signed, that person may sue you for this support.

If a Federal, State or local agency, or a private agency provides any covered means-tested public benefit to the person who becomes a permanent resident based on the Form I-864EZ that you signed, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.

If you are sued, and the court enters a judgment against you, the person or agency that sued you may use any legally permitted procedures for enforcing or collecting the judgment. You may also be required to pay the costs of collection, including attorney fees.

If you do not file a properly completed Form I-865 within 30 days of any change of address, USCIS may impose a civil fine for your failing to do so.

When Will These Obligations End?

Your obligations under a Form I-

(b)(5)

864EZ will end if the person who becomes a permanent resident based on a Form I-864EZ that you signed:

- Becomes a U.S. Citizen;
- Has worked, or can be credited with, 40 quarters of coverage under the Social Security Act;
- No longer has lawful permanent resident status, and has departed the United States;
- Becomes subject to removal, but applies for and obtains in removal proceedings a new grant of adjustment of status, based on a new affidavit of support, if one is required; or
- Dies.

Note that divorce **does not** terminate your obligations under this Form I-864EZ.

Your obligations under a Form I-864EZ also end if you die. Therefore, if you die, your Estate will not be required to take responsibility for the person's support after your death. Your Estate may, however, be responsible for any support that you owed before you died.

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20. I _____,
certify under penalty of
perjury under the laws of
the United States that:

a. I know the contents of this
affidavit of support that I signed.

b. All the factual statements in this

(b)(5)

	<p>affidavit of support are true and correct.</p> <p>c. I have read and I understand each of the obligations described in Part 6, and I agree, freely and without any mental reservation or purpose of evasion, to accept each of those obligations in order to make it possible for the immigrant indicated in Part 2 to become a permanent resident of the United States;</p> <p>d. I agree to submit to the personal jurisdiction of any Federal or State court that has subject matter jurisdiction of a lawsuit against me to enforce my obligations under this Form I-864;</p> <p>e. Each of the Federal income tax returns submitted in support of this affidavit are true copies, or are unaltered tax transcripts, of the tax returns I filed with the U.S. Internal Revenue Service; and</p> <p>f. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.</p> <p>g. Any other evidence submitted is true and correct.</p>
--	--

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	<p>21. (Sponsor's Signature) <i>Date- mm/dd/yyyy</i></p>

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Page 5, Part 7. Information on Preparer, if prepared by someone other than the sponsor	

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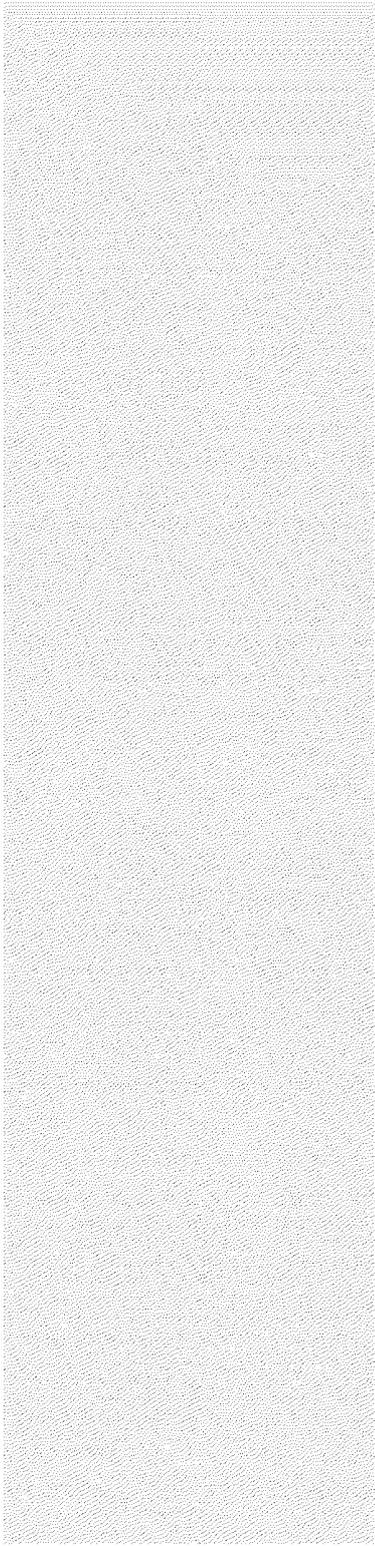
I certify under penalty of perjury under the laws of the United States that I prepared this affidavit of support at the sponsor's request and that this affidavit of support is based on all information of which I have knowledge.

Signature:
Date (*mm/dd/yyyy*):

Printed Name:
Firm Name:
Address:
Telephone Number:
E-Mail Address:
Business State ID # (*if any*)

(b)(5)

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I-864W TOCs (Form and Instructions)

Wednesday, December 30, 2015

8:06 AM

Subject	I-864W TOCs (Form and Instructions)
From	Nazer, David I
To	Post, Elizabeth A; Johnson, David P
Sent	Monday, April 13, 2015 3:51 PM
Attachments	 I864W-INS...

Hi Elizabeth and David,

Attached is the TOC for the I-864W Instructions. I didn't have any comments/edits to the TOC for the I-864W form itself.

If you have any questions, please let me know. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

From: Nazer, David I
Sent: Wednesday, November 18, 2015 7:54 AM
To: Murnane, Kristin M
Subject: 864 engagement

Hi Kristin,

Can you update the invite with the location of the engagement? If I heard correctly yesterday we are using ESD's conference room but I don't know where that is.

Also do you have a copy of the invite that was sent to the public (I can't find it). I know a couple of colleagues that may want to listen in. Thanks!!

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

Subject: 864 issues
Location: TBD

Start: Thu 11/19/2015 8:30 AM
End: Thu 11/19/2015 9:30 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Nazer, David I
Required Attendees: Johnson, David P

We can do a call or if you want to come over we can meet at my cube. Either way

Shirk, Georgette L

From: Nazer, David I
Sent: Monday, November 30, 2015 7:52 AM
To: Ramsay, John R
Subject: Accepted: I-864 Intake via MyUSCIS into USCIS ELIS

Shirk, Georgette L

From: Sheridan, Michael J
Sent: Wednesday, November 12, 2014 9:41 AM
To: Nazer, David I
Subject: RE: Affidavit of Support question (b)(5)



Michael J. Sheridan
Associate Counsel

Adjudications Law Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
E-mail: michael.j.sheridan@uscis.dhs.gov
<<mailto:michael.j.sheridan@uscis.dhs.gov>>
Work: 202 345 1812

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From: Nazer, David I
Sent: Wednesday, November 12, 2014 8:18 AM
To: Sheridan, Michael J
Subject: Affidavit of Support question

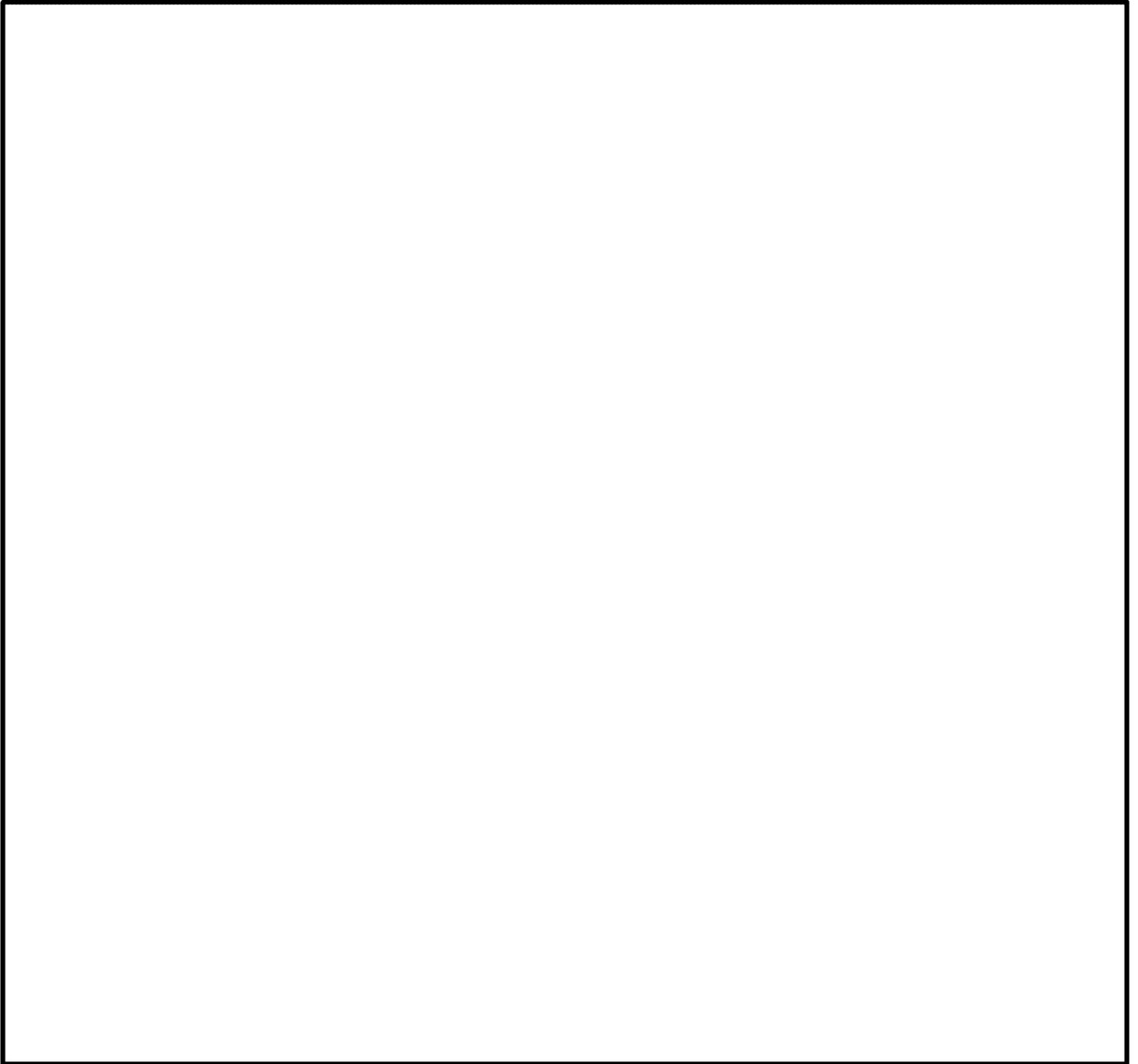
Good morning Michael,

I've got a question about the submission of the Affidavit of Support (came up while drafting public charge/affidavit of support Policy Manual section).

The 2006 memo says that the I-864 must be submitted with the adjustment application. "Under a policy change that took effect November 23, 2005, USCIS requires all applicants to submit Form I-864 with their adjustment application."

My question is, with the filing at the Lockbox, is this still the case? Since not all I-485s require an Affidavit of Support, I'm not sure the lockbox can make this determination and reject for failure to submit an Affidavit of Support. Can you take a look at the language below and see if it works? Thanks.

(b)(5)



David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

From: Nazer, David I
Sent: Monday, January 12, 2015 3:34 PM
To: Nazer, David I
Subject: Affidavit of Support affected memos

I already uploaded these:

Effect of enactment of the Child Citizenship act of 2000 on the affidavit of support requirement under INA 212(a)(4) and 213A (May 17, 2001) [USCIS.gov] – Fully Superseded

Whether an affidavit of support is required if the alien already has, or can be credited with, 40 qualifying quarters of coverage (May 17, 2001) [USCIS.gov] – Fully Superseded

Policy Change - Public Law 107-150, the Family Sponsor Immigration Act of 2002: Use of Substitute Sponsor if Visa Petitioner Has Died” (June 15, 2002); [USCIS.gov AND connect] - Fully superseded

Affidavit of support, employment letters, and ability to pay determinations (May 14, 2004) [Connect] - Fully superseded

USCIS policy regarding Form I-864, Affidavit of Support (November 23, 2005) [USCIS.gov AND connect] – Fully superseded

Consolidation of Policy Regarding USCIS Form I-864, Affidavit of Support (June 27, 2006); [USCIS.gov AND connect] – Fully Superseded

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

From: Elder, Phillip D
Sent: Monday, May 04, 2015 9:57 AM
To: Nazer, David I; Sheridan, Michael J; Miranda-Valido, Liana M; Ramsay, John R; Mcgee, Ramona L; Zemlan, Elizabeth C; Johnson, David P
Cc: Dawkins, Laura M; Herrera, Albert T (AI) (b)(5)
Subject: RE: AILA's comment on form I-864

From: Nazer, David I
Sent: Monday, May 04, 2015 7:54 AM
To: Sheridan, Michael J; Elder, Phillip D; Miranda-Valido, Liana M; Ramsay, John R; Mcgee, Ramona L; Zemlan, Elizabeth C; Johnson, David P
Cc: Dawkins, Laura M; Herrera, Albert T (AI)
Subject: RE: AILA's comment on form I-864

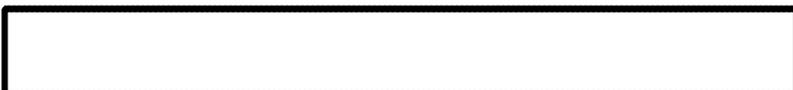
Adding David Johnson.

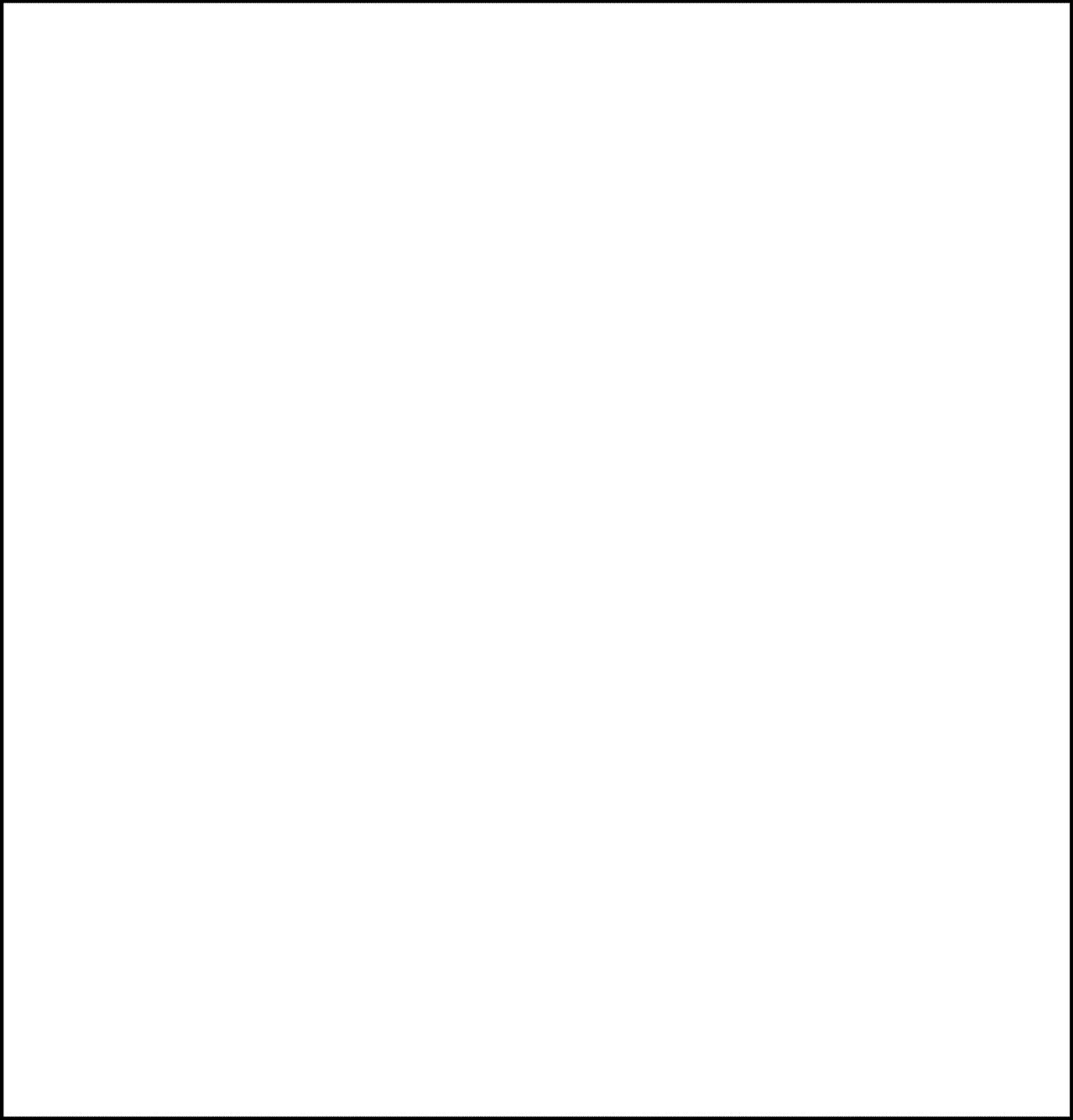
David

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From: Sheridan, Michael J
Sent: Thursday, April 30, 2015 5:55 PM
To: Elder, Phillip D; Miranda-Valido, Liana M; Ramsay, John R; Mcgee, Ramona L; Zemlan, Elizabeth C
Cc: Dawkins, Laura M; Herrera, Albert T (AI); Nazer, David I
Subject: RE: AILA's comment on form I-864

(b)(5)





Michael J. Sheridan
Associate Counsel

Adjudications Law Division
Office of the Chief Counsel

U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
E-mail: michael.j.sheridan@uscis.dhs.gov
Work: 202 345 1812



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From: Elder, Phillip D
Sent: Thursday, April 30, 2015 3:01 PM
To: Sheridan, Michael J; Miranda-Valido, Liana M; Ramsay, John R; Mcgee, Ramona L; Zemlan, Elizabeth C
Cc: Dawkins, Laura M; Herrera, Albert T (AI)
Subject: FW: AILA's comment on form I-864

Adding Michael, the OCC I-864 expert.

From: Miranda-Valido, Liana M
Sent: Thursday, April 30, 2015 4:46 PM
To: Ramsay, John R; Mcgee, Ramona L; Elder, Phillip D; Zemlan, Elizabeth C
Cc: Dawkins, Laura M; Herrera, Albert T (AI)
Subject: AILA's comment on form I-864

Attached.

Liana M. Miranda-Valido
Project Manager
Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services, DHS
(202)272-8887
liana.miranda-valido@dhs.gov

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Shirk, Georgette L

From: Johnson, David P
Sent: Monday, May 04, 2015 7:47 AM
To: Ramsay, John R
Cc: Nazer, David I; Dawkins, Laura M
Subject: FW: AILA's comment on form I-864

Hello John,

(b)(5)

Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Nazer, David I
Sent: Monday, May 04, 2015 7:54 AM
To: Sheridan, Michael J; Elder, Phillip D; Miranda-Valido, Liana M; Ramsay, John R; Mcgee, Ramona L; Zemlan, Elizabeth C; Johnson, David P
Cc: Dawkins, Laura M; Herrera, Albert T (AI)
Subject: RE: AILA's comment on form I-864

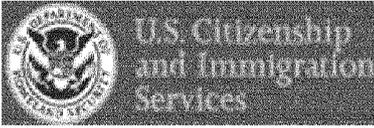
Adding David Johnson.

David

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From: Sheridan, Michael J
Sent: Thursday, April 30, 2015 5:55 PM
To: Elder, Phillip D; Miranda-Valido, Liana M; Ramsay, John R; Mcgee, Ramona L; Zemlan, Elizabeth C
Cc: Dawkins, Laura M; Herrera, Albert T (AI); Nazer, David I
Subject: RE: AILA's comment on form I-864

(b)(5)



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From: Elder, Phillip D
Sent: Thursday, April 30, 2015 3:01 PM
To: Sheridan, Michael J; Miranda-Valido, Liana M; Ramsay, John R; Mcgee, Ramona L; Zemlan, Elizabeth C
Cc: Dawkins, Laura M; Herrera, Albert T (AI)
Subject: FW: AILA's comment on form I-864

Adding Michael, the OCC I-864 expert.

From: Miranda-Valido, Liana M
Sent: Thursday, April 30, 2015 4:46 PM
To: Ramsay, John R; Mcgee, Ramona L; Elder, Phillip D; Zemlan, Elizabeth C
Cc: Dawkins, Laura M; Herrera, Albert T (AI)
Subject: AILA's comment on form I-864

Attached.

Liana M. Miranda-Valido
Project Manager
Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services, DHS
(202)272-8887
liana.miranda-valido@dhs.gov

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Shirk, Georgette L

From: Post, Elizabeth A
Sent: Monday, April 13, 2015 3:52 PM
To: Nazer, David I
Subject: Automatic reply: I-864W TOCs (Form and Instructions)

I am in the office today, 4/13.

Thanks and have a great day!

Shirk, Georgette L

From: Johnson, David P
Sent: Friday, April 10, 2015 10:04 AM
To: Nazer, David I
Subject: Automatic reply: Form I-864A TOC (form and instructions)

Hello, I am out of the office until Monday April 13th. If you have any issue that requires immediate attention prior to Monday April 13th, please contact my branch's email box at fodadjustmentofstatus@uscis.dhs.gov.

Thanks,
David

Shirk, Georgette L

From: Post, Elizabeth A
Sent: Tuesday, March 31, 2015 12:30 PM
To: Nazer, David I
Subject: Automatic reply: Form I-864 Documents for 30-Day.

I am teleworking but can be reached at (b)(6)

Thanks and have a great day!

Shirk, Georgette L

From: Johnson, David P
Sent: Monday, September 14, 2015 3:16 PM
To: Obalua-Adebisi, Kemi A
Cc: Hurteau, Mallory J; Byrne, Marie L (Louise); Scales, Donna B; Ballenger, Vera P; Nazer, David I; Ramsay, John R; Mosley, Caroline; Richardson, April L; Alfonsi, Terry; Davis, Roy L; Espinoza, Rodolfo (Rudy); Peck, Denis R
Subject: RE: ESD AD Questions on I-864

Hello,

FOD has responded to this question below – “@FOD/SCOPs and /or OP&S, OIDP, may you please kindly provide a response to the second part of her question “why the I-864s are changing, meaning what specifically is being revised?”

Thanks,

**David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046**

From: Johnson, David P
Sent: Monday, September 14, 2015 4:08 PM
To: Obalua-Adebisi, Kemi A
Cc: Hurteau, Mallory J
Subject: RE: ESD AD Questions on I-864

Hello Kemi,

“@FOD/SCOPs and /or OP&S, OIDP, may you please kindly provide a response to the second part of her question “**why the I-864s are changing, meaning what specifically is being revised?**”

All four forms, I-864, I-864A, I-864EZ and I-864W were set to expired on 3/31/15 which is why all four forms/instructions were being revised.

I have attached our last Table of Changes which reflects the changes between the last version of the form/instructions and the current version and specifically shows what was revised.

Thanks,

**David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046**

From: Obalua-Adebisi, Kemi A
Sent: Monday, September 14, 2015 7:28 AM
To: austinrm@state.gov; Johnson, David P; Peck, Denis R; Espinoza, Rodolfo (Rudy); Davis, Roy L; Alfonsi, Terry; Richardson, April L; Mosley, Caroline; Ramsay, John R; Nazer, David I
Cc: Hurteau, Mallory J; Byrne, Marie L (Louise); Scales, Donna B; Ballenger, Vera P

Subject: Re: ESD AD Questions on I-864

Importance: High

Good Morning, All:

The Enterprise Services Directorate (ESD) Associate Director, Tammy Meckley is requesting the following information:

@Department of State-- Ms. Austin, may you please kindly provide a response to the first part of her question **“what percentage of I-864s are revised post receipt of the initial I-864? Those that contain errors should not be factored into this percentage.”**

@FOD/SCOPs and /or OP&S, OIDP, may you please kindly provide a response to the second part of her question **“why the I-864s are changing, meaning what specifically is being revised?”**

I will sincerely appreciate if responses can be provided by COB, September 22, so that I can inform my leadership...I can schedule a meeting any day this week if anyone deems necessary.

Thank you all for your time and have a great day!

Kemi

Kemi A. Adebisi-Obalua, PMP
Enterprise Services Directorate
United States Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

(b)(6)

AWS Schedule: 1st Monday

From: Meckley, Tammy M

Sent: Thursday, September 10, 2015 4:24 PM

To: Obalua-Adebisi, Kemi A

Cc: Stanley, Kathleen M; Mayhew, Michael X; Hluchyj, Melissa C; Smith, Meeka S

Subject: I-864

Importance: High

Kemi, given our potential change in course, possibly not having DoS collect additional data elements from the I-864, I need to better understand what percentage of I-864s are revised post receipt of the initial I-864? Those that contain errors should not be factored into this percentage. Please obtain and share this along with reasons for why the I-864s are changing, meaning what specifically is being revised?

Thanks,
Tammy

Tammy M. Meckley
Associate Director
Enterprise Services Directorate
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC 20529
tammy.meckley@uscis.dhs.gov

202.272.1116 (o)



(b)(6)

Shirk, Georgette L

From: Johnson, David P
Sent: Monday, September 14, 2015 2:37 PM
To: Nazer, David I
Subject: FW: ESD AD Questions on I-864

FYI

From: Obalua-Adebiyi, Kemi A
Sent: Monday, September 14, 2015 3:36 PM
To: Johnson, David P
Subject: RE: ESD AD Questions on I-864

Hi David:

Tammy wants to know why the I-864 Forms were updated and what specifically changed from the old (expired forms) to the recently updated Forms.

Hope this explanation is clear...

Thank you for your time and have a great day!

Kemi

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
United States Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

(b)(6)

AWS Schedule: 1 Monday

From: Johnson, David P
Sent: Monday, September 14, 2015 3:30 PM
To: Obalua-Adebiyi, Kemi A
Subject: RE: ESD AD Questions on I-864

Hi Kemi,

Would you please explain this "@FOD/SCOPs and /or OP&S, OIDP, may you please kindly provide a response to the second part of her question **“why the I-864s are changing, meaning what specifically is being revised?”** it isn't clear to me what ESD would like from us.

Thanks,
David

(b)(6)

Shirk, Georgette L

From: Johnson, David P
Sent: Thursday, November 12, 2015 10:19 AM
To: Murnane, Kristin M
Cc: Nazer, David I
Subject: RE: Final I-864 Filing Tips

I'm out of the office tomorrow and Monday. I will be available for the pre-brief Tuesday or Wednesday.

Thanks,
Davide

From: Murnane, Kristin M
Sent: Thursday, November 12, 2015 11:09 AM
To: Johnson, David P
Cc: Nazer, David I
Subject: RE: Final I-864 Filing Tips

It is. I was about to set all of the logistics today, including scheduling a prebrief and sending calendar invites.

Thanks,

Kristin M. Murnane
Public Engagement Division
CSPED | USCIS | DHS
Desk: (202) 272-1274

(b)(6)

From: Johnson, David P
Sent: Thursday, November 12, 2015 11:08 AM
To: Murnane, Kristin M
Cc: Nazer, David I
Subject: RE: Final I-864 Filing Tips

Hello Kristin,

Is this engagement still set for next Thursday November 19 at 1PM?

Thanks,
David

From: Nazer, David I
Sent: Thursday, November 05, 2015 1:47 PM
To: Johnson, David P; Murnane, Kristin M
Subject: RE: Final I-864 Filing Tips

Same here.

David

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Johnson, David P
Sent: Thursday, November 05, 2015 1:39 PM
To: Murnane, Kristin M
Cc: Nazer, David I
Subject: RE: Final I-864 Filing Tips

I am ok with the change to 1PM.

Thanks,

David J.

From: Murnane, Kristin M
Sent: Thursday, November 05, 2015 1:24 PM
To: Nazer, David I; Johnson, David P
Subject: RE: Final I-864 Filing Tips

There's been a request to move this to 1pm on the 19th. Would this work for both of you?

Thanks again for your patience.

Kristin M. Murnane
Public Engagement Division
CSPED | USCIS | DHS
Desk: (202) 272-1274 (b)(6)

From: Obalua-Adebiyi, Kemi A
Sent: Tuesday, November 03, 2015 10:25 AM
To: Murnane, Kristin M; Martin, Heather A
Cc: Nazer, David I; Johnson, David P; Ellis, Rachel H; Elder, Phillip D
Subject: RE: Final I-864 Filing Tips

The 17th works fine for me also...Thanks

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

(b)(6)
AWS Schedule: 1st Monday

From: Murnane, Kristin M
Sent: Tuesday, November 03, 2015 9:58 AM
To: Obalua-Adebiyi, Kemi A; Martin, Heather A
Cc: Nazer, David I; Johnson, David P; Ellis, Rachel H; Elder, Phillip D
Subject: RE: Final I-864 Filing Tips

Hi everyone,

The invitation for the national teleconference is still with the Front Office, but what do we think about the date? We're scheduled for a week from today, but if the filing tips don't go up until later today or tomorrow, I think we'd like to give stakeholders a bit longer to review and digest the new material. Would there be any issues on your end if we pushed the engagement to the same time on the 17th?

Thanks,
KM

Kristin M. Murnane

Public Engagement Division

CSPED | USCIS | DHS

Desk: (202) 272-1274

(b)(6)

From: Obalua-Adebiyi, Kemi A

Sent: Tuesday, November 03, 2015 8:52 AM

To: Martin, Heather A

Cc: Nazer, David I; Johnson, David P; Murnane, Kristin M

Subject: FW: Final I-864 Filing Tips

Importance: High

Thank you all Heather et al...I will forward to DoS for posting.

Have a great day!

Kemi

Kemi A. Adebiyi-Obalua, PMP

Enterprise Services Directorate

U.S. Citizenship & Immigration Services

Department of Homeland Security

Office Phone: 202-272-1044

(b)(6)

AWS Schedule: 1st Monday

Kemi A. Adebiyi-Obalua, PMP

Enterprise Services Directorate

U.S. Citizenship & Immigration Services

Department of Homeland Security

Office Phone: 202-272-1044

(b)(6)

AWS Schedule: 1st Monday

From:

Sent: Tuesday, November 03, 2015 8:47 AM

To: Obalua-Adebiyi, Kemi A; Ellis, Rachel H; Herrmann, Mary K; Irazabal, Luz F; Choe, Won J

Cc: Hirsch, Angela H; Carter, Jeffrey T (Jeff)

Subject: Final I-864 Filing Tips

Importance: High

Hi Kemi—

Here are the final filing tips in PDF format for DOS. We hope to post as web content later today or tomorrow. Including CSPE and OLA for their visibility and to share with CROs and CLs as necessary.

Thank you!

Heather

Heather Ashley Martin
Strategic Communications
USCIS, Office of Communications

 (b)(6)
I am currently teleworking.

Shirk, Georgette L

From: Murnane, Kristin M
Sent: Thursday, November 12, 2015 10:09 AM
To: Johnson, David P
Cc: Nazer, David I
Subject: RE: Final I-864 Filing Tips

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Kristin M. Murnane

Public Engagement Division

CSPED | USCIS | DHS

Desk: (202) 272-1274

(b)(6)

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Subject: RE: Final I-864 Filing Tips

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Thanks again for your patience.

Kristin M. Murnane
Public Engagement Division
CSPED | USCIS | DHS (b)(6)
[Redacted]
Mobile: (202) 441-5817

From: Obalua-Adebiyi, Kemi A
Sent: Tuesday, November 03, 2015 10:25 AM
To: Murnane, Kristin M; Martin, Heather A
Cc: Nazer, David I; Johnson, David P; Ellis, Rachel H; Elder, Phillip D
Subject: RE: Final I-864 Filing Tips

The 17th works fine for me also...Thanks

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044 (b)(6)
[Redacted]
AWS Schedule: 1st Monday

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Cc: Nazer, David I; Johnson, David P; Ellis, Rachel H; Elder, Phillip D
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Thanks,
KM

Kristin M. Murnane
Public Engagement Division
CSPED | USCIS | DHS

Desk: (202) 272-1274

(b)(6)

From: Obalua-Adebiyi, Kemi A
Sent: Tuesday, November 03, 2015 8:52 AM
To: Martin, Heather A
Cc: Nazer, David I; Johnson, David P; Murnane, Kristin M
Subject: FW: Final I-864 Filing Tips
Importance: High

Thank you all Heather et al...I will forward to DoS for posting.

Have a great day!

Kemi

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044
[REDACTED] (b)(6)
AWS Schedule: 1st Monday

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044
[REDACTED] (b)(6)
AWS Schedule: 1st Monday

From:
Sent: Tuesday, November 03, 2015 8:47 AM
To: Obalua-Adebiyi, Kemi A; Ellis, Rachel H; Herrmann, Mary K; Irazabal, Luz F; Choe, Won J
Cc: Hirsch, Angela H; Carter, Jeffrey T (Jeff)
Subject: Final I-864 Filing Tips
Importance: High

Hi Kemi—

Here are the final filing tips in PDF format for DOS. We hope to post as web content later today or tomorrow. Including CSPE and OLA for their visibility and to share with CROs and CLs as necessary.

Thank you!

Heather

Heather Ashley Martin
Strategic Communications
USCIS, Office of Communications
[REDACTED] (b)(6)

I am currently teleworking.

Shirk, Georgette L

From: Kvortek, Steven P (Steve)
Sent: Tuesday, October 07, 2014 12:56 PM
To: Nazer, David I; Phillips, Mark
Cc: Silwany, Oscar Y
Subject: RE: FOIA Request - COW2014000565 - Affidavit of Support

Thank you, David.

-Steve

From: Nazer, David I
Sent: Tuesday, October 07, 2014 1:45 PM
To: Phillips, Mark
Cc: Silwany, Oscar Y; Kvortek, Steven P (Steve)
Subject: RE: FOIA Request - COW2014000565 - Affidavit of Support

Mark,

I had several emails and documents relating to the Affidavit of Support FOIA request and they were all saved in [this folder](#).

My staffing sheet is included in the folder as well.

If you need anything else please let me know. Thanks!!

David

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Phillips, Mark
Sent: Monday, October 06, 2014 1:29 PM
To: Nazer, David I
Cc: Silwany, Oscar Y; Kvortek, Steven P (Steve)
Subject: FW: FOIA Request - COW2014000565 - Affidavit of Support
Importance: High

Here you go, David.

From: Kvortek, Steven P (Steve)
Sent: Monday, October 06, 2014 1:22 PM
To: Phillips, Mark; Silwany, Oscar Y
Cc: Vanison, Denise; Levine, Laurence D
Subject: FOIA Request - COW2014000565 - Affidavit of Support
Importance: High

Mark and Oscar,

Please see the attached FOIA request from the Catholic Legal Immigration Network (CLINIC) seeking policy guidance, memoranda, training materials, and communications from June 21, 2006 to the present regarding the standards for adjudicating Affidavits of Support (*Forms I-864, I-864W, and I-864A*).

Note that this request was issued last month but OP&S was just added as a required office today. The deadline for submitting the completed staffing sheet and any relevant documentation is **Noon Friday, October 24th**.

Thank you,

Steve

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: FOIA SIG Case Tracking [<mailto:DHSteamsitesadministrator@esd.dhs.gov>]
Sent: Monday, October 06, 2014 12:30 PM
To: Kvortek, Steven P (Steve)
Subject: Staffing Request - Item ID1442
SharePoint Staffing Request
Tasks List: <http://ecn.uscis.dhs.gov/team/esd/Division/NRC/Branches/FOIA OPS/SIG/SIG%20Case%20Tracking/Lists/Task>

[FOIA SIG Case Tracking](#)

Item ID1442 has been changed

[Modify my alert settings](#) | [View Item ID1442](#) | [View Staffing Request](#) | [Mobile View](#)

Priority:	(1) High	
Case Status:	Open less than 20 days	
% Complete:	50%	
Assigned To:	Arroyo, Susan K Kvortek, Steven P (Steve) ; Pitcairn, Rodger E ; Akinwale, Ernestine ; Muhletaler, Catherine	Edited
Description:	Received response from SCOPS via e-mail. Printed and having scanned to the case. Removing SCOPS. Received response. Staffing OPS, HCT, OCC per recommendation from other program offices. Does not appear offices were staffed via ECN.	Edited
Start Date:	9/29/2014	
Due Date:	10/17/2014 10/24/2014	Edited
Date Staffed:		
Control Number:	COW2014000565	
Contact Information:	Cindy Holt Government Information Specialist NRC/USCIS/SIG FOIA/PA Division cynthia.l.holt@uscis.dhs.gov 816-350-5500 ex: 5133	
Processor:		
Track:	#2	
Staffing Date:	8/26/2014	

Shirk, Georgette L

From: Connor, Alina M
Sent: Monday, September 28, 2015 10:29 AM
To: Martin, Heather A; Obalua-Adebisi, Kemi A; OCC-Clearance; CSPE Tasking; Munoz-Acevedo, Carlos; Ellis, Rachel H; #USCIS OLA Clearance; USCIS Privacy Compliance; Hurteau, Mallory J; Peck, Denis R; Johnson, David P; Nazer, David I; Ramsay, John R; Peck, Denis R; Scales, Donna B; Ballenger, Vera P; Davis, Roy L; Elder, Phillip D; Alfonsi, Terry; Brown-Frei, Roselyn C; Espinoza, Rodolfo (Rudy); Byrne, Marie L (Louise); Murnane, Kristin M
Cc: Hirsch, Angela H; Echevarria, Alexandra N
Subject: RE: For Clearance NLT COB Sept. 21: I-864 Filing Tips

Looking over, it appears I-864W should say "immigrant visa." I have made the comment and update on the ECN site.

Thank you,
Alina M. Connor
Adjudication Officer, AOS Branch
Division 1 – Field Operations Directorate
USCIS – DHS
(215) 205-6940

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From: Martin, Heather A
Sent: Monday, September 28, 2015 11:25 AM
To: Obalua-Adebisi, Kemi A; OCC-Clearance; CSPE Tasking; Munoz-Acevedo, Carlos; Ellis, Rachel H; #USCIS OLA Clearance; USCIS Privacy Compliance; Hurteau, Mallory J; Peck, Denis R; Johnson, David P; Connor, Alina M; Nazer, David I; Ramsay, John R; Peck, Denis R; Scales, Donna B; Ballenger, Vera P; Davis, Roy L; Elder, Phillip D; Alfonsi, Terry; Brown-Frei, Roselyn C; Espinoza, Rodolfo (Rudy); Byrne, Marie L (Louise); Murnane, Kristin M
Cc: Hirsch, Angela H; Echevarria, Alexandra N
Subject: RE: For Clearance NLT COB Sept. 21: I-864 Filing Tips

All,
OCOMM has consolidated edits to the filing tips. There is one outstanding comment in the I-864W.

- [I-864 Filing Tips](#)
- [I-864A Filing Tips](#)
- [I-864EZ Filing Tips](#)
- [I-864W Filing Tips](#)

Kemi,
Can you please share the latest versions with DOS?

Thanks!
Heather

From: Martin, Heather A
Sent: Wednesday, September 16, 2015 11:29 AM
To: Obalua-Adebisi, Kemi A; OCC-Clearance; CSPE Tasking; Munoz-Acevedo, Carlos; Ellis, Rachel H; #USCIS OLA Clearance; USCIS Privacy Compliance; Hurteau, Mallory J; Peck, Denis R; Johnson, David P; Connor, Alina M; Nazer,

David I; Ramsay, John R; Peck, Denis R; Scales, Donna B; Ballenger, Vera P; Davis, Roy L; Elder, Phillip D; Alfonsi, Terry; Brown-Frei, Roselyn C; Espinoza, Rodolfo (Rudy); Byrne, Marie L (Louise); Murnane, Kristin M

Cc: Hirsch, Angela H; Echevarria, Alexandra N

Subject: For Clearance NLT COB Sept. 21: I-864 Filing Tips

All,

The following filing tips were drafted to respond to issues reported to us by DOS. They will be posted to uscis.gov. Please submit edits for your POD within the OCOMM Collaboration Space NLT COB Sept. 21. I have included instructions for using the space below.

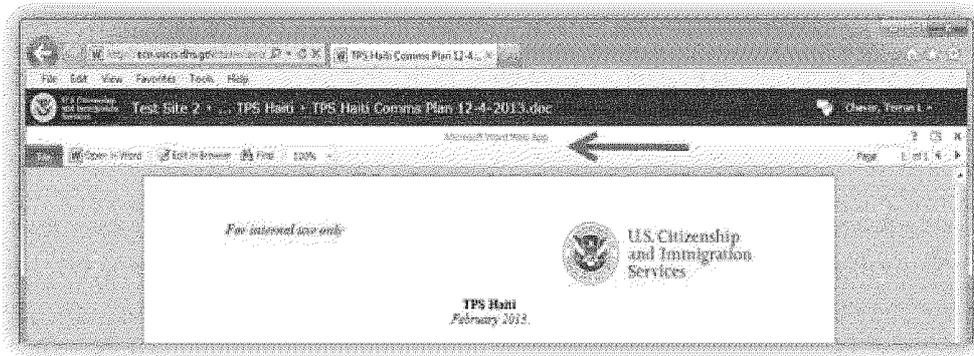
OCC- This is just for an initial review. You will get a chance to review again once all edits have been consolidated.

- [I-864 Filing Tips](#)
- [I-864A Filing Tips](#)
- [I-864EZ Filing Tips](#)
- [I-864W Filing Tips](#)

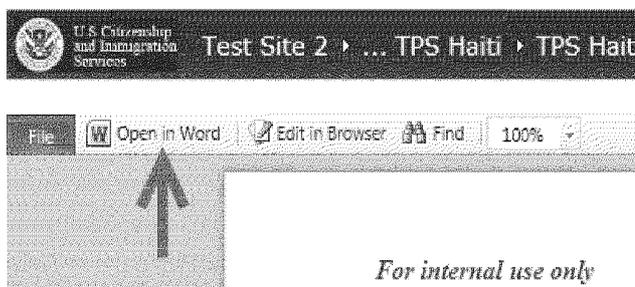
Thank you and please let me know if you have any questions!

Heather

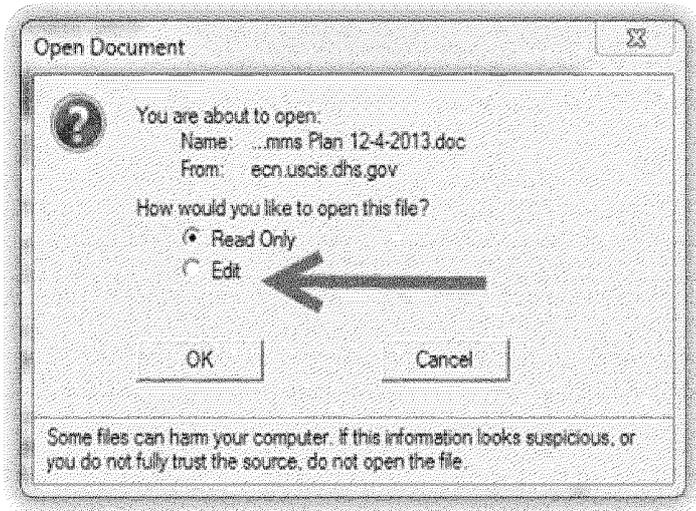
Click on the link to the document provided. The document will open in Microsoft Word Web App – see screenshot below.



Select Open the Document in Word.



You will receive an Open Document prompt. Select Edit, when prompted and click OK.



After you have finished making changes, Save and Close. You should ALWAYS use the SAVE button with the two arrows located in the top-left of the file. Then close after you have saved your changes.



Shirk, Georgette L

From: Martin, Heather A
Sent: Monday, September 28, 2015 10:25 AM
To: Obalua-Adebisi, Kemi A; OCC-Clearance; CSPE Tasking; Munoz-Acevedo, Carlos; Ellis, Rachel H; #USCIS OLA Clearance; USCIS Privacy Compliance; Hurteau, Mallory J; Peck, Denis R; Johnson, David P; Connor, Alina M; Nazer, David I; Ramsay, John R; Peck, Denis R; Scales, Donna B; Ballenger, Vera P; Davis, Roy L; Elder, Phillip D; Alfonsi, Terry; Brown-Frei, Roselyn C; Espinoza, Rodolfo (Rudy); Byrne, Marie L (Louise); Murnane, Kristin M
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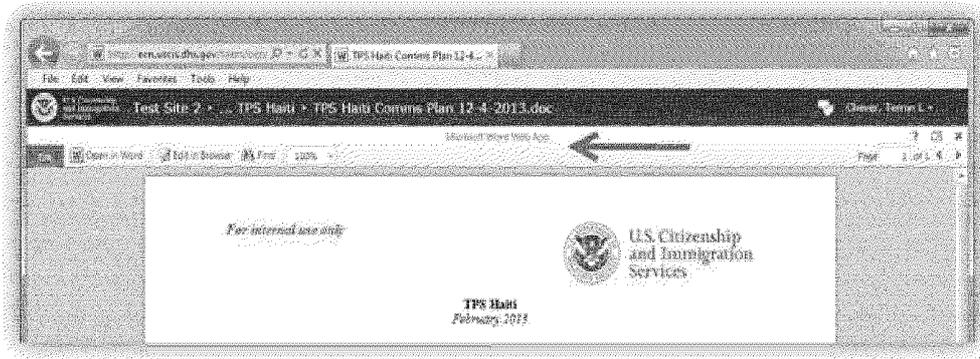
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- [I-864W Filing Tips](#)

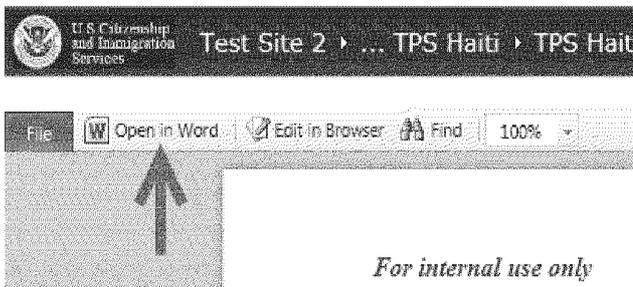
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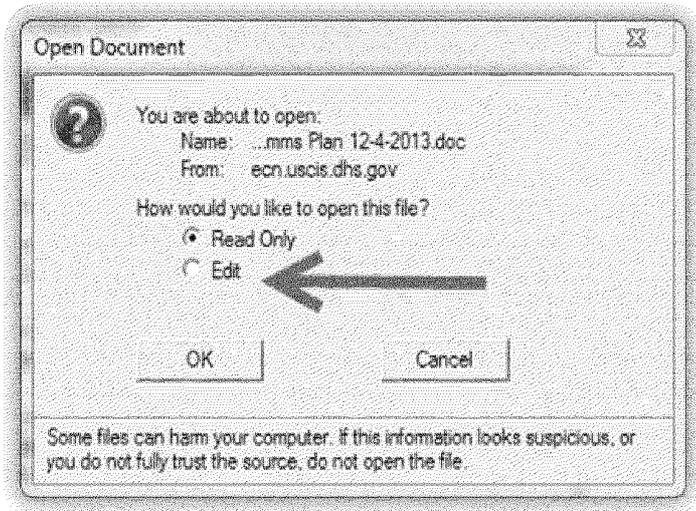
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Shirk, Georgette L

From: Johnson, David P
Sent: Monday, May 04, 2015 5:52 AM
To: Post, Elizabeth A
Cc: Wilson, Lynn M; Nazer, David I
Subject: RE: Form I-864

Hello Elizabeth,

I haven't received any comments.

Thanks,

David J.

From: Post, Elizabeth A
Sent: Friday, May 01, 2015 12:06 PM
To: Nazer, David I; Johnson, David P
Cc: Wilson, Lynn M; Post, Elizabeth A
Subject: Form I-864
Importance: High

Hi David and David,

We are in the process of preparing the Form I-864 suite of forms to move back to OMB, and we wanted to check in with you to see if you have received any comments during the 30 day period of public review? If you have received comments, will any of them require that we make edits to any of the I-864 forms?

Thanks for your help,

Elizabeth

Elizabeth Post

Forms Management Branch

Office of Intake and Document Production

U.S. Citizenship and Immigration Services

Office Telephone (M, T, R): (913) 214-5867

(b)(6)

Telework Telephone (W, F)

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Shirk, Georgette L

From: Johnson, David P
Sent: Tuesday, March 31, 2015 2:09 PM
To: Nazer, David I
Subject: RE: Form I-864 Documents for 30-Day.

Thanks David.

From: Post, Elizabeth A
Sent: Tuesday, March 31, 2015 2:41 PM
To: Nazer, David I
Cc: Owens, Angela Y; Wilson, Lynn M; Johnson, David P; Scales, Donna B
Subject: RE: Form I-864 Documents for 30-Day.

OK- thanks for verifying this for us, David.
We really appreciate it!

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867 (b)(6)
Telework Telephone (W,)

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From: Nazer, David I
Sent: Tuesday, March 31, 2015 1:40 PM
To: Post, Elizabeth A
Cc: Owens, Angela Y; Wilson, Lynn M; Johnson, David P; Scales, Donna B
Subject: RE: Form I-864 Documents for 30-Day.

Hi Elizabeth,

I believe Sunita was talking about the changes made by the Consolidated Appropriations Act of 2014 (which became effective 1/17/14).

RAIO and OCC had provided edits in concurrence so the I-864W instructions conform to the new law. Those edits were incorporated on the new I-864W instructions in question 2 under the section "How Is This Form Used".

David

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From: Post, Elizabeth A
Sent: Tuesday, March 31, 2015 1:21 PM
To: Nazer, David I
Cc: Owens, Angela Y; Wilson, Lynn M; Johnson, David P; Scales, Donna B
Subject: RE: Form I-864 Documents for 30-Day.
Importance: High

(b)(5)

Hi David,

Thanks for your help,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867 (b)(6)
Telework Telephone (W, F)

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From: Nazer, David I
Sent: Tuesday, March 31, 2015 6:22 AM
To: Wilson, Lynn M; Johnson, David P; Ramsay, John R
Cc: Owens, Angela Y; Scales, Donna B; Post, Elizabeth A
Subject: RE: Form I-864 Documents for 30-Day.

Thanks for the quick turnaround.

We'll do a review of these mockups during the 30 day period.

David

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From: Wilson, Lynn M
Sent: Monday, March 30, 2015 5:25 PM
To: Nazer, David I; Johnson, David P; Ramsay, John R
Cc: Owens, Angela Y; Scales, Donna B; Post, Elizabeth A
Subject: Form I-864 Documents for 30-Day.

David, David, and John –

The documents are attached for posting to the Federal Register.

They are not perfect, but given the time constraints, they are in good shape. While out for 30-day, please review the documents for any minor content issues prior to OMB adjudicating the package. FMB will do one more review as well and also finalize functionality.

Thanks.

Lynn Wilson
Management and Program Analyst
Forms Management Branch
Forms and Requirements Division, ODP
U.S. Citizenship & Immigration Services
20 Massachusetts Ave NW, Ste 4009
Washington, DC 20529-2306
202-272-1203
(f) 202-272-8124
lynn.m.wilson@uscis.dhs.gov

Shirk, Georgette L

From: Post, Elizabeth A
Sent: Thursday, April 09, 2015 9:52 AM
To: Nazer, David I
Subject: RE: Form I-864 Documents for 30-Day.

Hi David,
Which form are you finding that issue on- only the I-864 main form, or the other forms as well?
Is it correct on the pdf?
If you get a chance, can you please give me a call at your convenience?
I am in my office today.

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867
Telework Telephone (W, F) (b)(6)

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From: Nazer, David I
Sent: Thursday, April 09, 2015 8:20 AM
To: Post, Elizabeth A
Subject: RE: Form I-864 Documents for 30-Day.

Hi Elizabeth,

I am reviewing the I-864 TOCs and have a question.

I noticed intending immigrant(s) was written as intending immigrants.

Are we not allowed to use the parenthesis in the term 'immigrant(s)' (as there may be just one intending immigrant or multiple intending immigrants)? If so, would we use more words (such as "intending immigrant or immigrants") whenever referring to a case where there could be one or more than one person?

Or is this just a typo (here's hoping for a typo).

Thanks for letting me know.

David

Shirk, Georgette L

From: Post, Elizabeth A
Sent: Monday, May 04, 2015 10:36 AM
To: Johnson, David P
Cc: Wilson, Lynn M; Nazer, David I
Subject: RE: Form I-864 Instructions

Thanks, David.

I just looked at our main form pdf.

There is no part 13. Please clarify where this typo is, on which form/instruction.

The other typo has been corrected already.

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867
Telework Telephone (W, F) (b)(6)

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From: Johnson, David P
Sent: Monday, May 04, 2015 10:32 AM
To: Post, Elizabeth A
Cc: Wilson, Lynn M; Tabron, Chante N; Nazer, David I
Subject: RE: Form I-864 Instructions

Hi Elizabeth,

I consulted David N. and we agree with the "for" change.

Thanks,
David

From: Post, Elizabeth A
Sent: Monday, May 04, 2015 11:03 AM
To: Nazer, David I
Cc: Johnson, David P; Wilson, Lynn M; Tabron, Chante N
Subject: Form I-864 Instructions

Hi David,
Just wanted to keep you and David J in the loop on some recent activity.

Chante is making final edits to the functionality of the main form this AM.

Last Friday, while reviewing the Instructions, I noticed that the Child Citizenship Act of 2000 is mentioned in the main form instructions; I consulted with Carrie Rankin, RAIO, this AM on that issue, and she is going to work with OCC to get us any needed updates to that language today. I sent them the current pdf of the main instructions to review and provide revisions, regarding that and any other area in need regarding adoptions.

Also, I noticed a few awkward sentences and am making minor edits to them:

On page 6 of the instructions Item Numbers 5 and 6- The instructions currently read: "...you must include each and every person for whom you have claimed as a dependent on your most recent..." And "Enter the number of lawful permanent residents for whom you are currently obligated to support..."

I believe the correct way to state both of these is without the word "for", so am making those minor edits.

(I think "for" would be included if the sentences read: "You must include each and every person for whom you are claiming dependence..." And "Enter the number of lawful permanent residents for whom you are currently obligated to provide support...")

Thanks,

Elizabeth

Elizabeth Post

Forms Management Branch

Office of Intake and Document Production

U.S. Citizenship and Immigration Services

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Shirk, Georgette L

From: Johnson, David P
Sent: Monday, May 04, 2015 10:52 AM
To: Post, Elizabeth A
Cc: Wilson, Lynn M; Nazer, David I
Subject: RE: Form I-864 Instructions

I looked through all of the forms and instructions and can't identify the page 6 part 13 change suggested.

Thanks,
David

From: Post, Elizabeth A
Sent: Monday, May 04, 2015 11:36 AM
To: Johnson, David P
Cc: Wilson, Lynn M; Nazer, David I
Subject: RE: Form I-864 Instructions

Thanks, David.
I just looked at our main form pdf.

There is no part 13. Please clarify where this typo is, on which form/instruction.

The other typo has been corrected already.

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867 (b)(6)
Telework Telephone (W, F)

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From: Johnson, David P
Sent: Monday, May 04, 2015 10:32 AM
To: Post, Elizabeth A
Cc: Wilson, Lynn M; Tabron, Chante N; Nazer, David I
Subject: RE: Form I-864 Instructions

Hi Elizabeth,

I consulted David N. and we agree with the "for" change.

Shirk, Georgette L

From: Wilson, Lynn M
Sent: Monday, June 08, 2015 2:56 PM
To: Ramsay, John R; Nazer, David I
Subject: RE: Form I-864 Package and TOC's

Thanks for the update!

Lynn Wilson
USCIS/OIDP/FRD/FMB (b)(6)


lynn.m.wilson@uscis.dhs.gov

From: Ramsay, John R
Sent: Monday, June 08, 2015 3:51 PM
To: Wilson, Lynn M; Nazer, David I
Subject: RE: Form I-864 Package and TOC's

No, it appears I made an error and will correct it as soon as the package is opened.

Thank you for the heads-up.

John

John Ramsay
Management Program Analyst
Regulatory Coordination Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-8664
AT&T Connect 888-844-9904 Access Code 9488145
<https://connect16.uc.att.com/uscis/meet/?ExEventID=89488145>

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From: Wilson, Lynn M
Sent: Monday, June 08, 2015 3:46 PM
To: Ramsay, John R; Nazer, David I; Johnson, David P
Cc: Rankin, Carrie A; Boyce, Sunita K; Post, Elizabeth A; Zemlan, Elizabeth C
Subject: RE: Form I-864 Package and TOC's

John, David, and David –

I was just looking at reginfo.gov and it appears the files included with the below email were not uploaded in ROCIS/provided to OMB. Have you decided not to use documents from May even though some of the edits were necessary?

Any information you can provide is appreciated.

Thanks.

Lynn Wilson

USCIS/OIDP/FRD/FMB

(b)(6)

lynn.m.wilson@uscis.dhs.gov

From: Wilson, Lynn M

Sent: Tuesday, May 05, 2015 12:10 AM

To: Ramsay, John R; Post, Elizabeth A

Cc: Nazer, David I; Johnson, David P; Rankin, Carrie A; Boyce, Sunita K; Tabron, Chante N; Barratt, Kashanna C

Subject: FW: Form I-864 Package and TOC's

Importance: High

Hi John,

Here is the updated suite of forms and instructions for Form I-864, I-864A, I-864W, and I-864EZ, and the correlating TOCs, for OMB review.

Thanks,

Elizabeth

Elizabeth Post

Forms Management Branch

Office of Intake and Document Production

U.S. Citizenship and Immigration Services

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From: Wilson, Lynn M
Sent: Tuesday, May 05, 2015 12:10 AM
To: Ramsay, John R; Post, Elizabeth A
Cc: Nazer, David I; Johnson, David P; Rankin, Carrie A; Boyce, Sunita K; Tabron, Chante N; Barratt, Kashanna C
Subject: FW: Form I-864 Package and TOC's
Importance: High

Hi John,

Here is the updated suite of forms and instructions for Form I-864, I-864A, I-864W, and I-864EZ, and the correlating TOCs, for OMB review.

Thanks,

Elizabeth

Elizabeth Post

Forms Management Branch

Office of Intake and Document Production

U.S. Citizenship and Immigration Services

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Shirk, Georgette L

From: Johnson, David P
Sent: Monday, May 04, 2015 7:38 AM
To: Post, Elizabeth A
Cc: Wilson, Lynn M; Nazer, David I
Subject: RE: Form I-864

We received one AILA question. We are working on the response.

Thanks,
David

From: Johnson, David P
Sent: Monday, May 04, 2015 6:52 AM
To: Post, Elizabeth A
Cc: Wilson, Lynn M; Nazer, David I
Subject: RE: Form I-864

Hello Elizabeth,

I haven't received any comments.

Thanks,

David J.

From: Post, Elizabeth A
Sent: Friday, May 01, 2015 12:06 PM
To: Nazer, David I; Johnson, David P
Cc: Wilson, Lynn M; Post, Elizabeth A
Subject: Form I-864
Importance: High

Hi David and David,

We are in the process of preparing the Form I-864 suite of forms to move back to OMB, and we wanted to check in with you to see if you have received any comments during the 30 day period of public review? If you have received comments, will any of them require that we make edits to any of the I-864 forms?

Thanks for your help,

Elizabeth

Elizabeth Post

Forms Management Branch

Office of Intake and Document Production

U.S. Citizenship and Immigration Services (b)(6)

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Telework Telephone (W,)

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Shirk, Georgette L

From: Post, Elizabeth A
Sent: Friday, April 10, 2015 4:07 PM
To: Wilson, Lynn M; Scales, Donna B; Johnson, David P
Cc: Nazer, David I; Post, Elizabeth A
Subject: RE: Form I-864A TOC (form and instructions)

Lynn, Donna, and David,
Just wanted to keep you all in the communication loop.
David Nazer and I chatted this AM regarding my email below.
I misunderstood what he had been asking for, and the edits he requested are fine.
We made minor adjustments to the TOCs.

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867 (b)(6)
Telework Telephone (W, F): [REDACTED]

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From: Post, Elizabeth A
Sent: Friday, April 10, 2015 10:18 AM
To: Nazer, David I; Johnson, David P
Cc: Wilson, Lynn M (Lynn.M.Wilson@uscis.dhs.gov); Scales, Donna B
Subject: RE: Form I-864A TOC (form and instructions)

Hi David,
Thanks so much for sending those along. (b)(5)
Most of the edits you recommended do need to be incorporated.

[REDACTED]

Thanks for your help,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R) [REDACTED] (b)(6)

(b)(6)

Telework Telephone (W, F)

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From: Nazer, David I
Sent: Friday, April 10, 2015 10:04 AM
To: Post, Elizabeth A; Johnson, David P
Subject: Form I-864A TOC (form and instructions)

Hi Elizabeth and David,

Attached are the TOCs for the I-864A Form and Instructions. I made comments where I saw something needed to be edited or deleted. Please let me know if you have any questions. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

From: Sheridan, Michael J
Sent: Monday, January 26, 2015 3:39 PM
To: Nazer, David I
Cc: McHenry, Laura G
Subject: RE: Haitian Parolees and I-864

Yes, I worked on it at the time.

Michael J. Sheridan
Associate Counsel

Adjudications Law Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
E-mail: michael.j.sheridan@uscis.dhs.gov
Work: 202 345 1812

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From: Nazer, David I
Sent: Monday, January 26, 2015 1:58 PM
To: Sheridan, Michael J
Cc: McHenry, Laura G
Subject: Haitian Parolees and I-864

Don't know if you've seen this memo.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

From: Flores, Mary F
Sent: Friday, December 19, 2014 8:14 AM
To: Nazer, David I; Ramsay, John R
Subject: RE: Hi Mary

David it looks good. Thank you both for your assistance.

Mary Flores|Adjudications Officer| Adjustment of Status| DHS-USCIS| Field Operations Directorate/202 272-8258 desk 202 695-5623 cell

From: Nazer, David I
Sent: Thursday, December 18, 2014 4:11 PM
To: Flores, Mary F; Ramsay, John R
Subject: RE: Hi Mary

Hi Mary,

I added in an executive summary for the I-864. Take a look at my suggested language and see if it works for you.

I also made Transformation a Concur/Non Concur Office, instead of an FYI (I thought they were always C/NC these days, John correct me if I'm wrong).

If you have any other questions please let me know. Thanks.

David

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From: Flores, Mary F
Sent: Thursday, December 18, 2014 3:20 PM
To: Nazer, David I; Ramsay, John R
Subject: RE: Hi Mary

Hi David,

Can you give me a call tomorrow morning when you get in the office? I have a question in regards to the Form G-1056 for the Form I-864. I have never completed a G-1056 and would like some assistance with the executive summary part. John Ramsay assisted me in parts that I have completed. I am attaching the partially completed G-1056.

Thank you,
Mary

Mary Flores|Adjudications Officer| Adjustment of Status| DHS-USCIS| Field Operations Directorate/202 272-8258 desk 202 695-5623 cell

From: Nazer, David I
Sent: Thursday, December 18, 2014 9:55 AM
To: Flores, Mary F
Subject: Hi Mary

Hi Mary,

I was just returning your call.

Just wanted to see if you needed anything. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

From: Post, Elizabeth A
Sent: Monday, April 13, 2015 8:22 AM
To: Nazer, David I
Cc: Johnson, David P; Wilson, Lynn M
Subject: RE: I-864EZ TOC (form and instructions)

OK, thanks!

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867 (b)(6)
Telework Telephone (W, F)

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From: Nazer, David I
Sent: Monday, April 13, 2015 6:20 AM
To: Post, Elizabeth A
Cc: Johnson, David P; Wilson, Lynn M
Subject: RE: I-864EZ TOC (form and instructions)

Hi Elizabeth,

Yes all of the I-864 forms can be filed with Department of State. So all the filing fee sections should be consistent.

Below is a link to some of the basic information DOS provides regarding the 864.

<http://travel.state.gov/content/visas/english/immigrate/immigrant-process/documents/support/i-864-frequently-asked-questions.html>

Since their links are subject to change, the language we added on the forms just directs readers to DOS's main web page.

David

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From: Post, Elizabeth A
Sent: Friday, April 10, 2015 5:42 PM
To: Nazer, David I

Cc: Johnson, David P; Wilson, Lynn M
Subject: RE: I-864EZ TOC (form and instructions)

David- quick question- can all of the I-864 forms potentially be filed with the Department of State?
If so, I am going to edit the Filing Fee sections to be consistent, so they all have the reference to filing with the Department of State, also.
Please advise.

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867 (b)(6)
Telework Telephone (W, F)

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From: Nazer, David I
Sent: Friday, April 10, 2015 3:06 PM
To: Post, Elizabeth A; Johnson, David P
Subject: I-864EZ TOC (form and instructions)

Hi Elizabeth and David,

Attached are the TOCs for the I-864EZ Form and Instructions. I made comments where I saw something needed to be edited or deleted. I also saw one issue/text that also needs to be added to Form I-864 instructions (comment highlighted in green).

Please let me know if you have any questions. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

From: Brown-Frei, Roselyn C
Sent: Thursday, July 30, 2015 6:50 AM
To: Nazer, David I; Sheridan, Michael J; Mchenry, Laura G
Subject: RE: I-864

Just like with the I-212 a couple of weeks ago... Liana's email thought that I must be the equivalent of John Brown ☺ we had a good laugh and I know he would be amused, too. I hope Mr. Brown enjoys a happy retirement.

Roselyn Brown-Frei
Adjudications Officer (Policy)
USCIS/Office of Policy and Strategy
Telephone: 202 272 8214

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From: Nazer, David I
Sent: Wednesday, July 29, 2015 12:48 PM
To: Sheridan, Michael J; Mchenry, Laura G; Brown-Frei, Roselyn C
Subject: RE: I-864

I just looked back and realized you weren't on the email sent from RCD a couple weeks ago.

Sorry about that. I had just assumed you were on that email (I guess my mind couldn't process an I-864 email where you weren't on it).

David

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From: Sheridan, Michael J
Sent: Wednesday, July 29, 2015 12:40 PM
To: Nazer, David I; Mchenry, Laura G; Brown-Frei, Roselyn C
Subject: I-864

OMB approved the I-864 revision earlier this month. I hadn't heard.



Michael J. Sheridan
Associate Counsel

Adjudications Law Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
E-mail: michael.j.sheridan@uscis.dhs.gov
Work: 202 345 1812



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Shirk, Georgette L

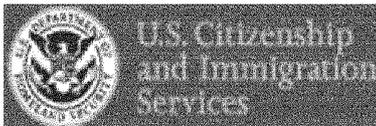
From: Sheridan, Michael J
Sent: Wednesday, July 29, 2015 11:49 AM
To: Nazer, David I; Mchenry, Laura G; Brown-Frei, Roselyn C
Subject: RE: I-864

Not a big deal. Any word yet on rollout?



Michael J. Sheridan
Associate Counsel

Adjudications Law Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
E-mail: michael.j.sheridan@uscis.dhs.gov
Work: 202 345 1812



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From: Nazer, David I
Sent: Wednesday, July 29, 2015 10:48 AM
To: Sheridan, Michael J; Mchenry, Laura G; Brown-Frei, Roselyn C
Subject: RE: I-864

I just looked back and realized you weren't on the email sent from RCD a couple weeks ago.

Sorry about that. I had just assumed you were on that email (I guess my mind couldn't process an I-864 email where you weren't on it).

David

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From: Sheridan, Michael J

Sent: Wednesday, July 29, 2015 12:40 PM

To: Nazer, David I; Mchenry, Laura G; Brown-Frei, Roselyn C

Subject: I-864

OMB approved the I-864 revision earlier this month. I hadn't heard.



Michael J. Sheridan
Associate Counsel

Adjudications Law Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
E-mail: michael.j.sheridan@uscis.dhs.gov
Work: 202 345 1812



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Shirk, Georgette L

From: Ramsay, John R
Sent: Tuesday, July 14, 2015 1:38 PM
To: Johnson, David P; Krebs, Kristie L
Cc: Owens, Angela Y; Scales, Donna B; Post, Elizabeth A; Wilson, Lynn M; Nazer, David I; Berg, Vincent F
Subject: RE: I-864

The form and instructions have been concurred upon and approved for use as is, so we need to release them as approved. I did notify the team on the last meeting that the form and instructions were set and we could not make changes. I did suggest that we might be able to make non-substantive changes to the form and/or instructions if it was appropriate somewhere down the road. The group had also discussed that ESD was on the concurrence process as an FYI, so they were aware of the content of both.

I am including Kristie as there was a separate email thread on this same topic – it is really FOD's call (in my mind) as to what the next steps should be, but the form and instructions have to be used as is for now.

John

John Ramsay
Management Program Analyst
Regulatory Coordination Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-8664
AT&T Connect 888-844-9904 Access Code 9488145
<https://connect16.uc.att.com/uscis/meet/?ExEventID=89488145>

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From: Johnson, David P
Sent: Tuesday, July 14, 2015 2:32 PM
To: Ramsay, John R
Cc: Owens, Angela Y; Scales, Donna B; Post, Elizabeth A; Wilson, Lynn M; Nazer, David I
Subject: RE: I-864

Hi John,

What is the plan for USCIS to issue these four I-864 forms? Has anyone heard anything from the I-864 IPT team leaders to determine if they are agreeable to USCIS releasing the I-864 forms as is as we have not met for 2 weeks and I haven't heard anything? Is the release date supposed to be 7/31/15 for 2 years?

Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Ramsay, John R
Sent: Friday, July 10, 2015 2:14 PM
To: Wilson, Lynn M; Nazer, David I; Johnson, David P
Cc: Owens, Angela Y; Scales, Donna B; Post, Elizabeth A
Subject: I-864

The I-864 was approved by OMB.

Thank you

John

John Ramsay
Management Program Analyst
Regulatory Coordination Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-8664
AT&T Connect 888-844-9904 Access Code 9488145
<https://connect16.uc.att.com/uscis/meet/?ExEventID=89488145>

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Shirk, Georgette L

From: Owens, Angela Y
Sent: Thursday, July 30, 2015 8:51 AM
To: Nazer, David I; Ramsay, John R; Wilson, Lynn M; Johnson, David P; Hurteau, Mallory J
Cc: Scales, Donna B; Post, Elizabeth A; Zemlan, Elizabeth C; Sheridan, Michael J; Mchenry, Laura G
Subject: RE: I-864

Thanks David.

Hi Mallory,

I'm showing that David Johnson will be out of the office until Monday, 8/3. Is FOD amenable to a 8/7/15 publishing date?

Thanks,

Angela Owens

Program Analyst, Forms Management Branch
Forms and Requirements Division
Office of Intake and Document Production
DHS, USCIS, Management Directorate
Ph. (202) 689-9369
Angela.y.owens@uscis.dhs.gov

From: Nazer, David I
Sent: Thursday, July 30, 2015 9:47 AM
To: Owens, Angela Y; Ramsay, John R; Wilson, Lynn M; Johnson, David P; Hurteau, Mallory J
Cc: Scales, Donna B; Post, Elizabeth A; Zemlan, Elizabeth C; Sheridan, Michael J; Mchenry, Laura G
Subject: RE: I-864

8/7/15 sounds good to me. Thanks.

David

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From: Owens, Angela Y
Sent: Thursday, July 30, 2015 9:19 AM
To: Nazer, David I; Ramsay, John R; Wilson, Lynn M; Johnson, David P; Hurteau, Mallory J
Cc: Scales, Donna B; Post, Elizabeth A; Zemlan, Elizabeth C; Sheridan, Michael J; Mchenry, Laura G
Subject: RE: I-864

Good morning David,

We are finalizing the Section 508 compliance on the forms. Is everyone amenable to a 8/7/15 publishing date?

Thanks,

Angela Owens

Program Analyst, Forms Management Branch
Forms and Requirements Division
Office of Intake and Document Production
DHS, USCIS, Management Directorate
Ph. (202) 689-9369
Angela.y.owens@uscis.dhs.gov

From: Nazer, David I
Sent: Thursday, July 30, 2015 8:35 AM
To: Ramsay, John R; Wilson, Lynn M; Johnson, David P
Cc: Owens, Angela Y; Scales, Donna B; Post, Elizabeth A; Zemlan, Elizabeth C; Sheridan, Michael J; Mchenry, Laura G
Subject: RE: I-864

Good morning,

Is there a planned date to post the new I-864 forms on uscis.gov?

David

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From: Ramsay, John R
Sent: Friday, July 10, 2015 2:14 PM
To: Wilson, Lynn M; Nazer, David I; Johnson, David P
Cc: Owens, Angela Y; Scales, Donna B; Post, Elizabeth A
Subject: I-864

The I-864 was approved by OMB.

Thank you

John

John Ramsay
Management Program Analyst
Regulatory Coordination Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-8664
AT&T Connect 888-844-9904 Access Code 9488145
<https://connect16.uc.att.com/uscis/meet/?ExEventID=89488145>

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Shirk, Georgette L

From: Johnson, David P
Sent: Thursday, November 05, 2015 12:39 PM
To: Murnane, Kristin M
Cc: Nazer, David I
Subject: RE: Final I-864 Filing Tips

I am ok with the change to 1PM.

Thanks,

David J.

From: Murnane, Kristin M
Sent: Thursday, November 05, 2015 1:24 PM
To: Nazer, David I; Johnson, David P
Subject: RE: Final I-864 Filing Tips

There's been a request to move this to 1pm on the 19th. Would this work for both of you?

Thanks again for your patience.

Kristin M. Murnane

Public Engagement Division

CSPED | USCIS | DHS

Desk: (202) 272-1274

(b)(6)

From: Obalua-Adebiyi, Kemi A
Sent: Tuesday, November 03, 2015 10:25 AM
To: Murnane, Kristin M; Martin, Heather A
Cc: Nazer, David I; Johnson, David P; Ellis, Rachel H; Elder, Phillip D
Subject: RE: Final I-864 Filing Tips

The 17th works fine for me also...Thanks

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

(b)(6)

AWS Schedule: 1st Monday

From: Murnane, Kristin M
Sent: Tuesday, November 03, 2015 9:58 AM
To: Obalua-Adebiyi, Kemi A; Martin, Heather A
Cc: Nazer, David I; Johnson, David P; Ellis, Rachel H; Elder, Phillip D
Subject: RE: Final I-864 Filing Tips

Hi everyone,

The invitation for the national teleconference is still with the Front Office, but what do we think about the date? We're scheduled for a week from today, but if the filing tips don't go up until later today or tomorrow, I think we'd like to give stakeholders a bit longer to review and digest the new material. Would there be any issues on your end if we pushed the engagement to the same time on the 17th?

Thanks,
KM

Kristin M. Murnane

Public Engagement Division

CSPED | USCIS | DHS

Desk: (202) 272-1274

(b)(6)

From: Obalua-Adebiyi, Kemi A

Sent: Tuesday, November 03, 2015 8:52 AM

To: Martin, Heather A

Cc: Nazer, David I; Johnson, David P; Murnane, Kristin M

Subject: FW: Final I-864 Filing Tips

Importance: High

Thank you all Heather et al...I will forward to DoS for posting.

Have a great day!

Kemi

Kemi A. Adebiyi-Obalua, PMP

Enterprise Services Directorate

U.S. Citizenship & Immigration Services

Department of Homeland Security

Office Phone: 202-272-1044

Cell: 202-731-2787

AWS Schedule: 1st Monday

Kemi A. Adebiyi-Obalua, PMP

Enterprise Services Directorate

U.S. Citizenship & Immigration Services

Department of Homeland Security

Office Phone: 202-272-1044

(b)(6)

AWS Schedule: 1st Monday

From:

Sent: Tuesday, November 03, 2015 8:47 AM

To: Obalua-Adebiyi, Kemi A; Ellis, Rachel H; Herrmann, Mary K; Irazabal, Luz F; Choe, Won J

Cc: Hirsch, Angela H; Carter, Jeffrey T (Jeff)

Subject: Final I-864 Filing Tips

Importance: High

Hi Kemi—

Here are the final filing tips in PDF format for DOS. We hope to post as web content later today or tomorrow. Including CSPE and OLA for their visibility and to share with CROs and CLs as necessary.

Thank you!

Heather

Heather Ashley Martin
Strategic Communications
USCIS, Office of Communications

(b)(6)

 I am currently teleworking.

Desk: (202) 272-1274

[REDACTED] (b)(6)

From: Obalua-Adebiyi, Kemi A
Sent: Tuesday, November 03, 2015 8:52 AM
To: Martin, Heather A
Cc: Nazer, David I; Johnson, David P; Murnane, Kristin M
Subject: FW: Final I-864 Filing Tips
Importance: High

Thank you all Heather et al...I will forward to DoS for posting.

Have a great day!

Kemi

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

[REDACTED] (b)(6)

AWS Schedule: 1st Monday

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

[REDACTED] (b)(6)

AWS Schedule: 1st Monday

From:
Sent: Tuesday, November 03, 2015 8:47 AM
To: Obalua-Adebiyi, Kemi A; Ellis, Rachel H; Herrmann, Mary K; Irazabal, Luz F; Choe, Won J
Cc: Hirsch, Angela H; Carter, Jeffrey T (Jeff)
Subject: Final I-864 Filing Tips
Importance: High

Hi Kemi—

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Thank you!

Heather

Heather Ashley Martin
Strategic Communications
USCIS, Office of Communications

[REDACTED] (b)(6)

I am currently teleworking.

Shirk, Georgette L

From: Greeley, Kevin A
Sent: Tuesday, November 03, 2015 10:21 AM
To: Nazer, David I
Subject: RE: Final I-864 Filing Tips

Thanks, David!

Kevin Greeley

Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)
Desk Phone: (202) 272-8137
kevin.a.greeley@uscis.dhs.gov

From: Nazer, David I
Sent: Tuesday, November 03, 2015 9:04 AM
To: Brown-Frei, Roselyn C; Ramsay, John R; Greeley, Kevin A
Subject: FW: Final I-864 Filing Tips
Importance: High

FYI

David

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From: Obalua-Adebiyi, Kemi A
Sent: Tuesday, November 03, 2015 8:52 AM
To: Martin, Heather A
Cc: Nazer, David I; Johnson, David P; Murnane, Kristin M
Subject: FW: Final I-864 Filing Tips
Importance: High

Thank you all Heather et al...I will forward to DoS for posting.

Have a great day!

Kemi

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

(b)(6)

AWS Schedule: 1st Monday

Kemi A. Adebisi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

(b)(6)

AWS Schedule: 1st Monday

From:

Sent: Tuesday, November 03, 2015 8:47 AM

To: Obalua-Adebisi, Kemi A; Ellis, Rachel H; Herrmann, Mary K; Irazabal, Luz F; Choe, Won J

Cc: Hirsch, Angela H; Carter, Jeffrey T (Jeff)

Subject: Final I-864 Filing Tips

Importance: High

Hi Kemi—

Here are the final filing tips in PDF format for DOS. We hope to post as web content later today or tomorrow. Including CSPE and OLA for their visibility and to share with CROs and CLs as necessary.

Thank you!

Heather

Heather Ashley Martin
Strategic Communications
USCIS, Office of Communications

(b)(6)

I am currently teleworking.

Shirk, Georgette L

From: Johnson, David P
Sent: Thursday, November 12, 2015 10:08 AM
To: Murnane, Kristin M
Cc: Nazer, David I
Subject: RE: Final I-864 Filing Tips

Hello Kristin,

Is this engagement still set for next Thursday November 19 at 1PM?

Thanks,
David

From: Nazer, David I
Sent: Thursday, November 05, 2015 1:47 PM
To: Johnson, David P; Murnane, Kristin M
Subject: RE: Final I-864 Filing Tips

Same here.

David

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From: Johnson, David P
Sent: Thursday, November 05, 2015 1:39 PM
To: Murnane, Kristin M
Cc: Nazer, David I
Subject: RE: Final I-864 Filing Tips

I am ok with the change to 1PM.

Thanks,

David J.

From: Murnane, Kristin M
Sent: Thursday, November 05, 2015 1:24 PM
To: Nazer, David I; Johnson, David P
Subject: RE: Final I-864 Filing Tips

There's been a request to move this to 1pm on the 19th. Would this work for both of you?

Thanks again for your patience.

Kristin M. Murnane
Public Engagement Division

Shirk, Georgette L

From: Owens, Angela Y
Sent: Thursday, March 19, 2015 3:49 PM
To: Ramsay, John R
Cc: Johnson, David P; Nazer, David I; Lee, Warren C; Hurteau, Mallory J; Scales, Donna B; Wilson, Lynn M
Subject: RE: I-864 I-864A I-864EZ I-864W Forms and Instructions

Hi John,

Did you receive any comments on this package?

Thanks!

Angela Owens

Program Analyst, Forms Management Branch
Forms and Requirements Division
Office of Intake and Document Production
DHS, USCIS, Management Directorate
Ph. (202) 272-8358
Angela.y.owens@uscis.dhs.gov

From: Johnson, David P
Sent: Monday, March 09, 2015 5:36 PM
To: Scales, Donna B
Cc: Owens, Angela Y; Nazer, David I; Lee, Warren C; Hurteau, Mallory J
Subject: I-864 I-864A I-864EZ I-864W Forms and Instructions

Hello Donna,

Attached are the I-864, I-864A, I-864EZ and I-864W Form and Instruction changes requested by FOD in Word documents with track changes and comment bubbles. David Nazer in OP&S and Warren Lee in FOD reviewed and consolidated these changes. I reviewed all of the changes made and the suggested changes that were not accepted. FOD is ready to move forward with the attached changes to these 8 documents.

Please contact me if you have any questions regarding these changes.

Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate
(202)272-1046

Shirk, Georgette L

From: Elder, Phillip D
Sent: Monday, March 30, 2015 9:55 AM
To: Johnson, David P; Post, Elizabeth A; Ramsay, John R
Cc: Nazer, David I; Wilson, Lynn M; Carter, Pea Meng; Sheridan, Michael J
Subject: RE: Re: I-864 language you requested we add to the instructions

You can delete the biometrics language from the I-864. The standard language policy provides that those instructions will appear on forms that require or may require biometrics capture and biometric services fees. I don't think that applies to the I-864.

From: Johnson, David P
Sent: Monday, March 30, 2015 10:48 AM
To: Post, Elizabeth A; Elder, Phillip D; Ramsay, John R
Cc: Nazer, David I; Wilson, Lynn M; Carter, Pea Meng
Subject: RE: Re: I-864 language you requested we add to the instructions

Hello Elizabeth,

David and I can't think of a situation where someone would need biometrics for the I-864 but this is standard language for all forms so we didn't mess with it. Looping in Phillip Elder and John Ramsay to make this call.

Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Post, Elizabeth A
Sent: Monday, March 30, 2015 10:21 AM
To: Nazer, David I; Johnson, David P
Cc: Wilson, Lynn M; Post, Elizabeth A; Carter, Pea Meng
Subject: Re: I-864 language you requested we add to the instructions
Importance: High

Good morning David and David,
We are preparing the I-864 package to move forward for 30 day public comment period.
We need to provide it to RCD by COB today.
We have a quick question for you-

Earlier this month, you requested that we incorporate the Biometric Services language and Biometric Services Fee language into the main instructions, which we did.

Your note said that it is on the other forms in this suite of forms, and needs to be added to the main form, also.

We wanted to ask you if this info should even be on these forms? (We think it may need to be deleted from all the instructions in this suite of forms.)

Can you please explain why?

Would the folks who fill this form out ever be called in for Biometric Services?

Thanks for your help and clarification, and your speedy reply,

Elizabeth

Elizabeth Post

Forms Management Branch

Office of Intake and Document Production

U.S. Citizenship and Immigration Services

Office Telephone (M, T, R): (913) 214-5867

Telework Telephone (W, F) (b)(6)

Shirk, Georgette L

From: Wilson, Lynn M
Sent: Monday, June 08, 2015 2:46 PM
To: Ramsay, John R; Nazer, David I; Johnson, David P
Cc: Rankin, Carrie A; Boyce, Sunita K; Post, Elizabeth A; Zemlan, Elizabeth C
Subject: RE: Form I-864 Package and TOC's

John, David, and David –

I was just looking at reginfo.gov and it appears the files included with the below email were not uploaded in ROCIS/provided to OMB. Have you decided not to use documents from May even though some of the edits were necessary?

Any information you can provide is appreciated.

Thanks.

Lynn Wilson
USCIS/OIDP/FRD/FMB (b)(6)

lynn.m.wilson@uscis.dhs.gov

From: Wilson, Lynn M
Sent: Tuesday, May 05, 2015 12:10 AM
To: Ramsay, John R; Post, Elizabeth A
Cc: Nazer, David I; Johnson, David P; Rankin, Carrie A; Boyce, Sunita K; Tabron, Chante N; Barratt, Kashanna C
Subject: FW: Form I-864 Package and TOC's
Importance: High

Hi John,

Here is the updated suite of forms and instructions for Form I-864, I-864A, I-864W, and I-864EZ, and the correlating TOCs, for OMB review.

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867
Telework Telephone (W, F)  (b)(6)

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Shirk, Georgette L

From: Obalua-Adebiyi, Kemi A
Sent: Wednesday, November 25, 2015 8:38 AM
To: Murnane, Kristin M; Nazer, David I; Johnson, David P
Subject: RE: I-864 policy question

Good Morning, All:

In reviewing the filing tips and also errors from DoS , I believe all the pages of the Form must be completed.

However, I will defer to David and David for their expertise.

Thanks,

Kemi

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

[REDACTED] (b)(6)

AWS Schedule: 1st Monday

From: Murnane, Kristin M
Sent: Wednesday, November 25, 2015 9:17 AM
To: Obalua-Adebiyi, Kemi A; Nazer, David I
Subject: FW: I-864 policy question

Hi David,

Do you happen to know the answer to this? Or should I send this over to ODP? I'm fairly certain that all pages of all forms need to be completed and submitted, but wanted to double check.

Thanks,
KM

Kristin M. Murnane
Public Engagement Division
CSPED | USCIS | DHS
Desk: (202) 272-1274
Mobile: [REDACTED] (b)(6)

From: Pilgreen, Jeffrey [<mailto:PilgreenJ2@state.gov>]
Sent: Wednesday, November 25, 2015 9:15 AM
To: Murnane, Kristin M; Obalua-Adebiyi, Kemi A
Cc: Austin, Rebecca M
Subject: I-864 policy question

Good morning –

I'm looking for an answer to a question regarding the completeness or entirety I-864 forms.

The question revolves around the issue of petitioners not sending certain pages of the I-864 forms.

Can one of you help with this? Or refer me to a DHS colleague?

V/r

Jeffrey Pilgreen
Post Liaison
National Visa Center
32 Rochester Ave.
Portsmouth, NH 03801
603-334-0535

Shirk, Georgette L

From: Nazer, David I
Sent: Monday, November 30, 2015 9:08 AM
To: Obalua-Adebisi, Kemi A; Murnane, Kristin M; Johnson, David P
Subject: RE: I-864 policy question

Kemi is correct. The filing tips instruct submission of all pages because an officer needs to review all the information to determine whether the Affidavit of Support is sufficiently filed. The form itself (in the certification section) also instructs a sponsor to answer all questions on the form.

Therefore all pages of the form should be submitted so an officer can verify that all relevant info has been provided.

David

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From: Obalua-Adebisi, Kemi A
Sent: Wednesday, November 25, 2015 9:38 AM
To: Murnane, Kristin M; Nazer, David I; Johnson, David P
Subject: RE: I-864 policy question

Good Morning, All:

In reviewing the filing tips and also errors from DoS, I believe all the pages of the Form must be completed.

However, I will defer to David and David for their expertise.

Thanks,

Kemi

Kemi A. Adebisi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

(b)(6)

AWS Schedule: 1st Monday

From: Murnane, Kristin M
Sent: Wednesday, November 25, 2015 9:17 AM
To: Obalua-Adebisi, Kemi A; Nazer, David I
Subject: FW: I-864 policy question

Hi David,

Do you happen to know the answer to this? Or should I send this over to ODP? I'm fairly certain that all pages of all forms need to be completed and submitted, but wanted to double check.

Thanks,
KM

Kristin M. Murnane
Public Engagement Division
CSPED | USCIS | DHS
Desk: (202) 272-1274
Mobile: (202) 441-5817

From: Pilgreen, Jeffrey [<mailto:PilgreenJ2@state.gov>]
Sent: Wednesday, November 25, 2015 9:15 AM
To: Murnane, Kristin M; Obalua-Adebisi, Kemi A
Cc: Austin, Rebecca M
Subject: I-864 policy question

Good morning –

I'm looking for an answer to a question regarding the completeness or entirety I-864 forms.

The question revolves around the issue of petitioners not sending certain pages of the I-864 forms.

Can one of you help with this? Or refer me to a DHS colleague?

V/r

Jeffrey Pilgreen
Post Liaison
National Visa Center
32 Rochester Ave.
Portsmouth, NH 03801
603-334-0535

Shirk, Georgette L

From: Murnane, Kristin M
Sent: Wednesday, November 25, 2015 8:17 AM
To: Obalua-Adebisi, Kemi A; Nazer, David I
Subject: FW: I-864 policy question

Hi David,

Do you happen to know the answer to this? Or should I send this over to ODP? I'm fairly certain that all pages of all forms need to be completed and submitted, but wanted to double check.

Thanks,
KM

Kristin M. Murnane

Public Engagement Division

CSPED | USCIS | DHS

Desk: (202) 272-1274

Mobile:

(b)(6)

From: Pilgreen, Jeffrey [<mailto:PilgreenJ2@state.gov>]

Sent: Wednesday, November 25, 2015 9:15 AM

To: Murnane, Kristin M; Obalua-Adebisi, Kemi A

Cc: Austin, Rebecca M

Subject: I-864 policy question

Good morning –

I'm looking for an answer to a question regarding the completeness or entirety I-864 forms.

The question revolves around the issue of petitioners not sending certain pages of the I-864 forms.

Can one of you help with this? Or refer me to a DHS colleague?

V/r

Jeffrey Pilgreen

Post Liaison

National Visa Center

32 Rochester Ave.

Portsmouth, NH 03801

603-334-0535

Shirk, Georgette L

From: Owens, Angela Y
Sent: Thursday, July 30, 2015 8:19 AM
To: Nazer, David I; Ramsay, John R; Wilson, Lynn M; Johnson, David P; Hurteau, Mallory J
Cc: Scales, Donna B; Post, Elizabeth A; Zemlan, Elizabeth C; Sheridan, Michael J; Mchenry, Laura G
Subject: RE: I-864

Good morning David,

We are finalizing the Section 508 compliance on the forms. Is everyone amenable to a 8/7/15 publishing date?

Thanks,

Angela Owens

Program Analyst, Forms Management Branch
Forms and Requirements Division
Office of Intake and Document Production
DHS, USCIS, Management Directorate
Ph. (202) 689-9369
Angela.y.owens@uscis.dhs.gov

From: Nazer, David I
Sent: Thursday, July 30, 2015 8:35 AM
To: Ramsay, John R; Wilson, Lynn M; Johnson, David P
Cc: Owens, Angela Y; Scales, Donna B; Post, Elizabeth A; Zemlan, Elizabeth C; Sheridan, Michael J; Mchenry, Laura G
Subject: RE: I-864

Good morning,

Is there a planned date to post the new I-864 forms on uscis.gov?

David

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From: Ramsay, John R
Sent: Friday, July 10, 2015 2:14 PM
To: Wilson, Lynn M; Nazer, David I; Johnson, David P
Cc: Owens, Angela Y; Scales, Donna B; Post, Elizabeth A
Subject: I-864

The I-864 was approved by OMB.

Thank you

John

John Ramsay
Management Program Analyst
Regulatory Coordination Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-8664

AT&T Connect 888-844-9904 Access Code 9488145

<https://connect16.uc.att.com/uscis/meet/?ExEventID=89488145>

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Shirk, Georgette L

From: Post, Elizabeth A
Sent: Friday, April 10, 2015 3:41 PM
To: Nazer, David I
Subject: RE: I-864EZ TOC (form and instructions)

Thanks David.
Have a great weekend!

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867 (b)(6)
Telework Telephone (W,)

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From: Nazer, David I
Sent: Friday, April 10, 2015 3:06 PM
To: Post, Elizabeth A; Johnson, David P
Subject: I-864EZ TOC (form and instructions)

Hi Elizabeth and David,

Attached are the TOCs for the I-864EZ Form and Instructions. I made comments where I saw something needed to be edited or deleted. I also saw one issue/text that also needs to be added to Form I-864 instructions (comment highlighted in green).

Please let me know if you have any questions. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

From: Post, Elizabeth A
Sent: Friday, April 10, 2015 4:42 PM
To: Nazer, David I
Cc: Johnson, David P; Wilson, Lynn M
Subject: RE: I-864EZ TOC (form and instructions)

David- quick question- can all of the I-864 forms potentially be filed with the Department of State?
If so, I am going to edit the Filing Fee sections to be consistent, so they all have the reference to filing with the Department of State, also.
Please advise.

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867 (b)(6)
Telework Telephone (W, F)

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From: Nazer, David I
Sent: Friday, April 10, 2015 3:06 PM
To: Post, Elizabeth A; Johnson, David P
Subject: I-864EZ TOC (form and instructions)

Hi Elizabeth and David,

Attached are the TOCs for the I-864EZ Form and Instructions. I made comments where I saw something needed to be edited or deleted. I also saw one issue/text that also needs to be added to Form I-864 instructions (comment highlighted in green).

Please let me know if you have any questions. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

From: Post, Elizabeth A
Sent: Monday, April 13, 2015 4:17 PM
To: Nazer, David I
Subject: RE: I-864W TOCs (Form and Instructions)

Thanks David.
Will do!

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867 (b)(6)
Telework Telephone (V)

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From: Nazer, David I
Sent: Monday, April 13, 2015 3:52 PM
To: Post, Elizabeth A; Johnson, David P
Subject: I-864W TOCs (Form and Instructions)

Hi Elizabeth and David,

Attached is the TOC for the I-864W Instructions. I didn't have any comments/edits to the TOC for the I-864W form itself.

If you have any questions, please let me know. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

From: Post, Elizabeth A
Sent: Friday, May 01, 2015 11:06 AM
To: Nazer, David I; Johnson, David P
Cc: Wilson, Lynn M; Post, Elizabeth A
Subject: Form I-864

Importance: High

Hi David and David,

We are in the process of preparing the Form I-864 suite of forms to move back to OMB, and we wanted to check in with you to see if you have received any comments during the 30 day period of public review? If you have received comments, will any of them require that we make edits to any of the I-864 forms?

Thanks for your help,

Elizabeth

Elizabeth Post

Forms Management Branch

Office of Intake and Document Production

U.S. Citizenship and Immigration Services

Office Telephone (M, T, R): (913) 214-5867

Telework Telephone (W, F)

(b)(6)

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Shirk, Georgette L

From: Post, Elizabeth A
Sent: Friday, December 12, 2014 4:45 PM
To: Ramsay, John R
Cc: Scales, Donna B; Wilson, Lynn M; Post, Elizabeth A; Tabron, Chante N; Owens, Angela Y; Nazer, David I
Subject: Form I-864 Word documents for G-1056
Attachments: I864W-INS-ELIS-G1056-12112014-Word.docx; I864W-FRM-ELIS-G1056-12112014-Word.docx; I864EZ-FRM-ELIS-G1056-12122014-Word.docx; I864EZ-INS-G1056-12122014-Word.docx; I864-FRM-ELIS-G1056-12122014-word.docx; I864-INS-ELIS-G1056-12122014-Word.docx; I864A-FRM-ELIS-G1056-12122014-word.docx; I864A-INS-ELIS-G1056-12122014-word.docx

John,

Here are the 8 documents in the Form I-864 suite of forms that you asked us to update and that we promised to have back to you by COB today; the I-864 main form and instructions, the I-864EZ form and instructions, the I-864A form and instructions and the I-864W form and instructions. We have provided Word versions to facilitate edits being incorporated during G-1056. (Lynn sent you the G-1056 form and instruction earlier today.)

The POC (David Nazer) will be responsible for incorporating the edits for each form/instruction into one consolidated document for each form and instruction, so that the information can be copied and pasted into the pdfs. Please note that the desired text must be clearly incorporated into the document itself, not in comment bubbles. (i.e., FMB should not have to read through all the comment bubbles and try to figure out what the POC would like done.)

John- this was a significant lift for our staff, so we (FMB and RCD) should probably plan on discussing projects such as this at some point, so that RCD better understands what we do and what timeframes are reasonable, given the amount of information that had to be added, edited, cross referenced across 4 forms, re-formatted, etc.

Please let us know if you have any questions.

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867
Telework Telephone (W,) (b)(6)

Shirk, Georgette L

From: Oviosu, Esther
Sent: Thursday, January 15, 2015 11:10 AM
To: Nazer, David I
Cc: McHenry, Laura G; Brown-Frei, Roselyn C
Subject: RE: Policy Manual: Public Charge and Affidavit of Support

Hi David and all:

Hope your holidays were nice.

I wish every one of you much success and the best in 2015.

Happy New Year!!!

Best regards,

Esther.

Esther Oviosu
HQFDNS/Fraud Division
202-272-9181

Esther Oviosu

From: Nazer, David I
Sent: Tuesday, December 16, 2014 4:40 PM
To: Oviosu, Esther
Cc: McHenry, Laura G; Brown-Frei, Roselyn C
Subject: RE: Policy Manual: Public Charge and Affidavit of Support

Thanks for reviewing Esther and enjoy your vacation!!

David

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From: Oviosu, Esther
Sent: Monday, December 15, 2014 6:33 PM
To: Nazer, David I
Cc: McHenry, Laura G; Brown-Frei, Roselyn C; Oviosu, Esther
Subject: RE: Policy Manual: Public Charge and Affidavit of Support

All,

I have one suggestion in track changes. PM looks great!!! I will be on vacation starting tomorrow and will return second week of January 2015.

Happy Holidays to all of you. And thank you for inviting me to your holiday Party.

Thank you.

Esther.

HQFDNS/FD
202-272-9181

From: Nazer, David I
Sent: Wednesday, November 19, 2014 4:33 PM
To: Johnsen, Ellen L; Sheridan, Michael J; Smith, Alice J; Flores, Mary F; Lekhram, Rishiram; Oviolu, Esther
Cc: McHenry, Laura G; Brown-Frei, Roselyn C; Nazer, David I
Subject: Policy Manual: Public Charge and Affidavit of Support

Good afternoon,

I hope that you are all doing well.

We have drafted the Policy Manual part on Public Charge Inadmissibility and Affidavit of Support and would like you to review it before we prep it for concurrence. If you could review by December 12th that would be great.

Of course we are aware that after tomorrow evening, all our priorities may change. But here's hoping you will still have time to review it in the upcoming weeks. Thanks!!

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

From: Obalua-Adebiyi, Kemi A
Sent: Monday, November 09, 2015 12:02 PM
To: Johnson, David P; Nazer, David I
Subject: Question on Form I-864 from DoS-NVC

Good Morning, Gentlemen:

Hope this email finds you well...Below is a question from DoS-NVC regarding a concern about adding a line to the I-864 asking how many individuals the sponsors has offered to support who are currently applying for immigration?

Your assistance is highly appreciated,

Kemi

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044 (b)(6)

AWS Schedule: 1st Monday

From: Kronenburg, Stephanie A (Montreal) [<mailto:KronenburgSA@state.gov>]
Sent: Monday, November 09, 2015 12:39 PM
To: Smith, Meeka S
Subject: Support question

Hi, Meeka -

How is everything with you over in USCIS?

I now have a question about the I-864. My LES, Manon, noticed that the I-864 has no place to mention that you are sponsoring anyone else whose IV is *in process*.

Case in point - We had a very nice couple of parents of an American citizen whose IV cases were going to come out very differently if the sponsoring child had had to include both parents on the I-864. The daughter had enough income to support 6 (her, her husband, her 3 kids, and 1 parent), but not 7 (everyone in her family of 5 plus both parents). The I-864 form, however, had no place for her to put down that she was also sponsoring someone whose IV was in process - the other parent - so she only had to fill in that she

would be supporting 6. They weren't trying to lie or cheat anyone, it's just the form did not have a space to add the other parent who was applying for a visa at the same time. (b)(7)(e)

Now, I understand that the difference between actually supporting your dependents in the US and potentially supporting immigrants who are coming to the US is complicated. That first example, though, is pretty straightforward. That husband and wife would not be separated in times of trouble. If they needed help, they were both going to be supported by that daughter who did not have enough income for 7 people. In fact, they were both planning to live with her permanently from the get-go. She was always going to have 7 people to support, not 6.

So, after that long-winded introduction, the question is whether it would be possible to add a line to the I-864 asking how many individuals the sponsors has offered to support who are currently applying for immigration?

Thanks,
Stephanie

Stephanie A. Kronenburg
Visa Chief
U.S. Consulate General Montreal
514-908-3704
kronenburgsa@state.gov

SBU
This email is UNCLASSIFIED.

Shirk, Georgette L

From: Obalua-Adebiyi, Kemi A
Sent: Tuesday, November 10, 2015 12:57 PM
To: Johnson, David P; Nazer, David I
Subject: Question on Updating I-864 Instructions

Good Afternoon, Gentlemen:

Below is a question regarding the guidance instructions and new filing tips:

- Do you know if there are any plans to use the language from the tip sheet in the revised form instructions?

Please kindly let me know...

Thanks!

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

 (b)(6)

AWS Schedule: 1st Monday

Shirk, Georgette L

From: Johnson, David P
Sent: Monday, November 09, 2015 3:54 PM
To: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Any suggestions on this? I don't see an easy workaround.

I know NVC always said they keep family packets together, so you would think one DOS consular officer would get both cases.

It would fundamentally change our Form I-864 count as we count the Sponsor's Household size with sure numbers, vs. someone who may have another pending case.

I think the first parent would be able to use the good I-864 and the second parent would then need to provide a joint sponsor's I-864.

I don't see a work around other than contacting the DOS Visa Office and have them notify their overseas staffs to look further on parents of USC cases if an I-864 would go over if 2 parents are immigrating. (b)(7)(e)

David

From: Obalua-Adebisi, Kemi A
Sent: Monday, November 09, 2015 4:01 PM
To: Johnson, David P
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Thanks David once again... In the meantime, is there a workaround that FOD is proposing that will guide DoS-NVC in this area?

Please kindly let me know,

Thanks

Kemi

Kemi A. Adebisi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

[Redacted] (b)(6)
AWS Schedule: 1st Monday

From: Obalua-Adebisi, Kemi A
Sent: Monday, November 09, 2015 3:51 PM
To: Johnson, David P
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Thanks, I will let DoS know...Kemi

Kemi A. Adebisi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044
[REDACTED] (b)(6)

AWS Schedule: 1st Monday

From: Johnson, David P
Sent: Monday, November 09, 2015 3:50 PM
To: Obalua-Adebisi, Kemi A
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Hi Kemi,

This question relates to changing the actual Form I-864 which expires 7/31/17. Therefore, FOD, the I-864 form owner, will take this DOS suggested change at this time and consider this change as part of the next revision of the Form I-864.

Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Obalua-Adebisi, Kemi A
Sent: Monday, November 09, 2015 1:02 PM
To: Johnson, David P; Nazer, David I
Subject: Question on Form I-864 from DoS-NVC

Good Morning, Gentlemen:

Hope this email finds you well...Below is a question from DoS-NVC regarding a concern about adding a line to the I-864 asking how many individuals the sponsors has offered to support who are currently applying for immigration?

Your assistance is highly appreciated,

Kemi

Kemi A. Adebisi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services

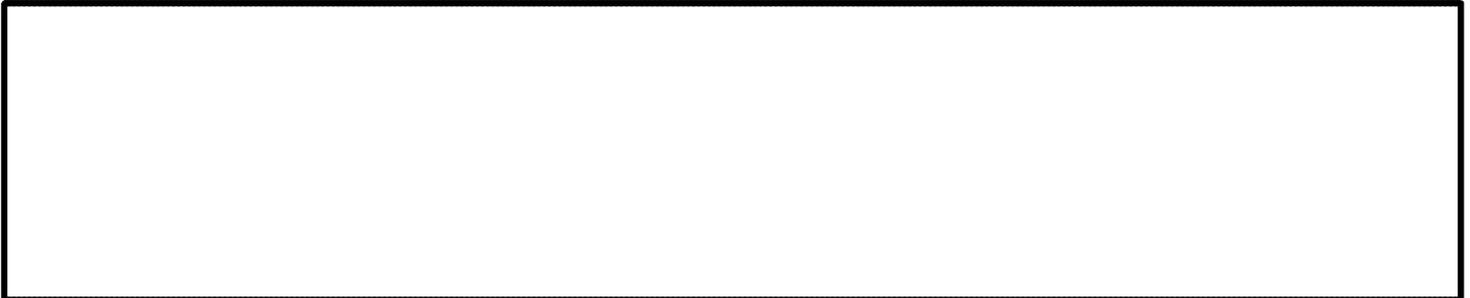
Shirk, Georgette L

From: Obalua-Adebiyi, Kemi A
Sent: Tuesday, November 10, 2015 10:06 AM
To: Johnson, David P
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Hi David:

Below is the response from DoS:

(b)(5)



Stephanie A. Kronenburg
Visa Chief
U.S. Consulate General Montreal

Do you think it will be helpful to have a meeting to eliminate all the back and forth email communication, please kindly let me know... Thanks

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044
Cell:  (b)(6)
AWS Schedule: 1st Monday

From: Johnson, David P
Sent: Tuesday, November 10, 2015 8:27 AM
To: Obalua-Adebiyi, Kemi A
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Hi Kemi,

(b)(5)





Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Obalua-Adebisi, Kemi A
Sent: Monday, November 09, 2015 4:01 PM
To: Johnson, David P
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Thanks David once again... In the meantime, is there a workaround that FOD is proposing that will guide DoS-NVC in this area?

Please kindly let me know,

Thanks

Kemi

Kemi A. Adebisi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044



(b)(6)

AWS Schedule: 1st Monday

From: Obalua-Adebisi, Kemi A
Sent: Monday, November 09, 2015 3:51 PM
To: Johnson, David P
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Thanks, I will let DoS know...Kemi

Kemi A. Adebisi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044



(b)(6)

AWS Schedule: 1st Monday

From: Johnson, David P
Sent: Monday, November 09, 2015 3:50 PM
To: Obalua-Adebisi, Kemi A

Shirk, Georgette L

From: Johnson, David P
Sent: Tuesday, November 10, 2015 1:52 PM
To: Obalua-Adebiyi, Kemi A
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

(b)(5)

Hello Kemi,

We think that a meeting is not needed at this time. We will consider the suggested change that is presented below for the next I-864 form revision. In the meantime, based on the information DOS explained below, DOS may want to advise



Thanks,

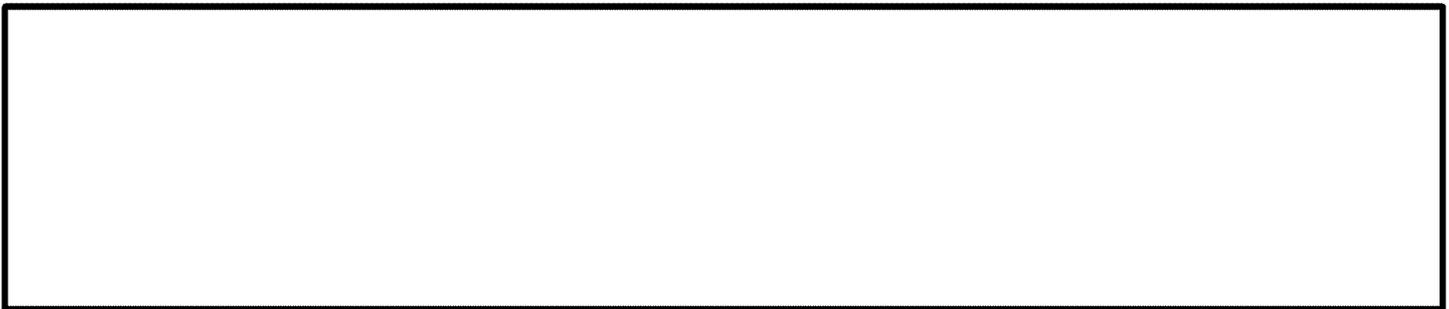
David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Obalua-Adebiyi, Kemi A
Sent: Tuesday, November 10, 2015 11:06 AM
To: Johnson, David P
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Hi David:

Below is the response from DoS:

(b)(5)



Stephanie A. Kronenburg
Visa Chief
U.S. Consulate General Montreal

Do you think it will be helpful to have a meeting to eliminate all the back and forth email communication, please kindly let me know... Thanks

From: Obalua-Adebiyi, Kemi A
Sent: Monday, November 09, 2015 3:51 PM
To: Johnson, David P
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Thanks, I will let DoS know...Kemi

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

(b)(6)

AWS Schedule: 1st Monday

From: Johnson, David P
Sent: Monday, November 09, 2015 3:50 PM
To: Obalua-Adebiyi, Kemi A
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Hi Kemi,

This question relates to changing the actual Form I-864 which expires 7/31/17. Therefore, FOD, the I-864 form owner, will take this DOS suggested change at this time and consider this change as part of the next revision of the Form I-864.

Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Obalua-Adebiyi, Kemi A
Sent: Monday, November 09, 2015 1:02 PM
To: Johnson, David P; Nazer, David I
Subject: Question on Form I-864 from DoS-NVC

Good Morning, Gentlemen:

Hope this email finds you well...Below is a question from DoS-NVC regarding a concern about adding a line to the I-864 asking how many individuals the sponsors has offered to support who are currently applying for immigration?

Your assistance is highly appreciated,

Kemi

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate

Shirk, Georgette L

From: Johnson, David P
Sent: Tuesday, November 10, 2015 7:27 AM
To: Obalua-Adebisi, Kemi A
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Hi Kemi,

(b)(5)

Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Obalua-Adebisi, Kemi A
Sent: Monday, November 09, 2015 4:01 PM
To: Johnson, David P
Cc: Nazer, David I
Subject: RE: Question on Form I-864 from DoS-NVC

Thanks David once again... In the meantime, is there a workaround that FOD is proposing that will guide DoS-NVC in this area?

Please kindly let me know,

Thanks

Kemi

Kemi A. Adebisi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044 (b)(6)

AWS Schedule: 1st Monday

From: Obalua-Adebisi, Kemi A
Sent: Monday, November 09, 2015 3:51 PM
To: Johnson, David P

Cc: Nazer, David I

Subject: RE: Question on Form I-864 from DoS-NVC

Thanks, I will let DoS know...Kemi

Kemi A. Adebisi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

[REDACTED] (b)(6)

AWS Schedule: 1st Monday

From: Johnson, David P

Sent: Monday, November 09, 2015 3:50 PM

To: Obalua-Adebisi, Kemi A

Cc: Nazer, David I

Subject: RE: Question on Form I-864 from DoS-NVC

Hi Kemi,

This question relates to changing the actual Form I-864 which expires 7/31/17. Therefore, FOD, the I-864 form owner, will take this DOS suggested change at this time and consider this change as part of the next revision of the Form I-864.

Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Obalua-Adebisi, Kemi A

Sent: Monday, November 09, 2015 1:02 PM

To: Johnson, David P; Nazer, David I

Subject: Question on Form I-864 from DoS-NVC

Good Morning, Gentlemen:

Hope this email finds you well...Below is a question from DoS-NVC regarding a concern about adding a line to the I-864 asking how many individuals the sponsors has offered to support who are currently applying for immigration?

Your assistance is highly appreciated,

Kemi

Kemi A. Adebisi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

[REDACTED] (b)(6)

Shirk, Georgette L

From: Johnson, David P
Sent: Thursday, November 05, 2015 12:55 PM
To: Nazer, David I
Subject: FW: Question on I-864

From: Johnson, David P
Sent: Thursday, November 05, 2015 1:55 PM
To: Obalua-Adebiyi, Kemi A
Subject: RE: Question on I-864

Hi Kemi,

Yes, FOD requires signatures on the Form I-864. The primary or joint sponsor must sign the Form I-864.

Thanks,
David

From: Obalua-Adebiyi, Kemi A
Sent: Thursday, November 05, 2015 12:33 PM
To: Johnson, David P
Subject: Question on I-864

Hi David:

Does FOD require signatures (primary and joint) on the Form I-864? Please kindly let me know... Thanks

Kemi A. Adebiyi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

 (b)(6)

AWS Schedule: 1st Monday

Shirk, Georgette L

From: Johnson, David P
Sent: Tuesday, November 10, 2015 1:59 PM
To: Obalua-Adebisi, Kemi A
Cc: Nazer, David I
Subject: RE: Question on Updating I-864 Instructions

Hello Kemi,

We have not yet begun the next revision of the I-864. The next I-864 form revision will consider changes to address that DOS error list and reviewing the language from the Tip Sheets will be part of that process.

Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Obalua-Adebisi, Kemi A
Sent: Tuesday, November 10, 2015 1:57 PM
To: Johnson, David P; Nazer, David I
Subject: Question on Updating I-864 Instructions

Good Afternoon, Gentlemen:

Below is a question regarding the guidance instructions and new filing tips:

- Do you know if there are any plans to use the language from the tip sheet in the revised form instructions?

Please kindly let me know...

Thanks!

Kemi A. Adebisi-Obalua, PMP
Enterprise Services Directorate
U.S. Citizenship & Immigration Services
Department of Homeland Security
Office Phone: 202-272-1044

(b)(6)

AWS Schedule: 1st Monday

Shirk, Georgette L

From: Post, Elizabeth A
Sent: Wednesday, April 22, 2015 3:35 PM
To: Nazer, David I
Cc: Tabron, Chante N; Wilson, Lynn M
Subject: RE: Quick questions about I-864 Instructions

Thanks SOOO much.

I'll make the needed edits in the TOC and pass the TOC back to Chante to incorporate the edits.

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867 (b)(6)
Telework Telephone (W,)

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From: Nazer, David I
Sent: Wednesday, April 22, 2015 3:26 PM
To: Post, Elizabeth A
Cc: Tabron, Chante N; Wilson, Lynn M; Johnson, David P
Subject: RE: Quick questions about I-864 Instructions

Hi Elizabeth,

My responses are in blue below. Thanks.

David

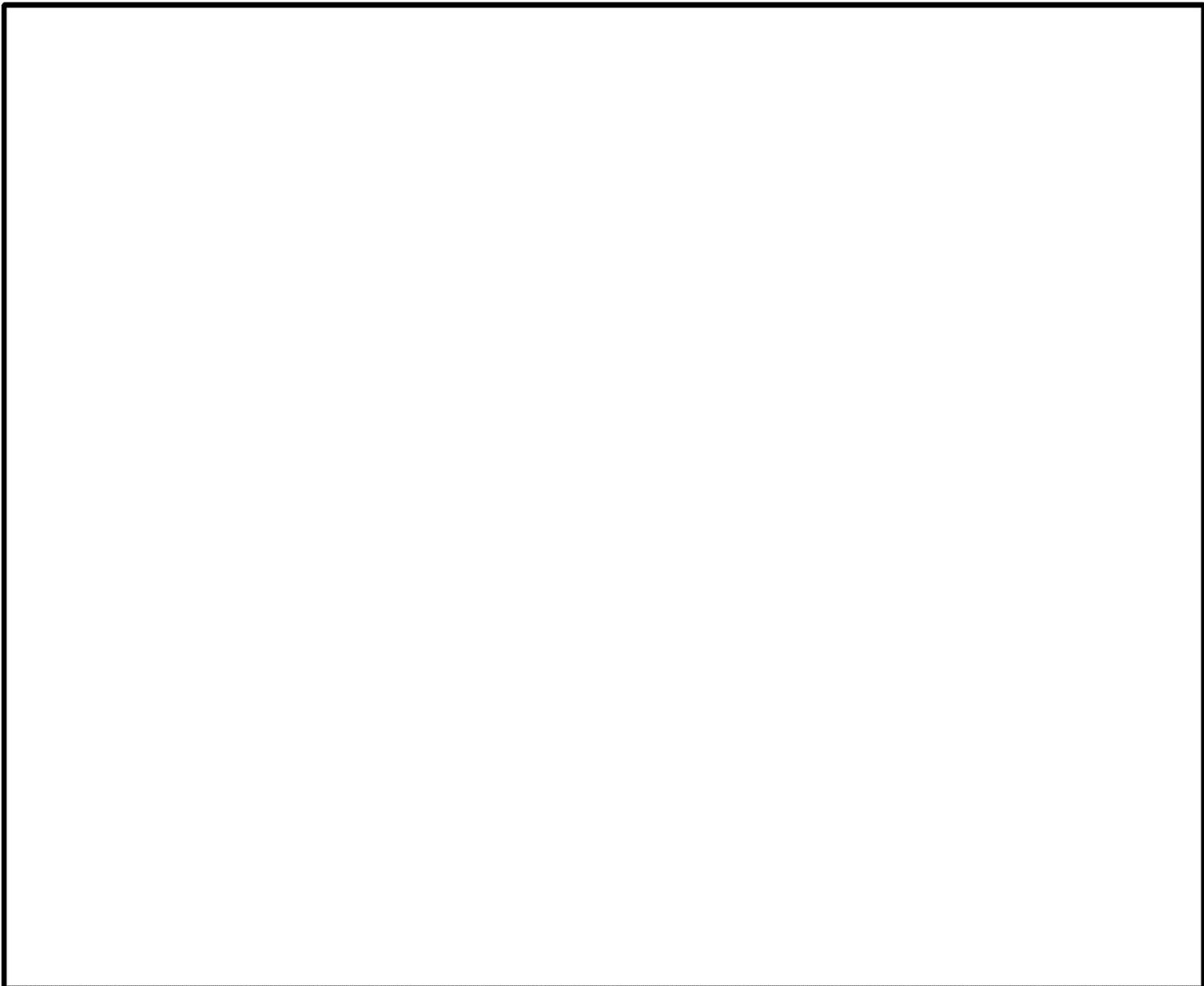
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From: Post, Elizabeth A
Sent: Wednesday, April 22, 2015 3:49 PM
To: Nazer, David I
Cc: Tabron, Chante N; Wilson, Lynn M; Post, Elizabeth A
Subject: Quick questions about I-864 Instructions

Hi David,

I read through the I-864 Instructions and have several quick questions for you.

I'm attaching the latest pdf to facilitate you responding, but please know that several of the edits you provided earlier have not yet been incorporated.



I don't see a problem with either edit.

Thanks for your help,

Elizabeth

Elizabeth Post

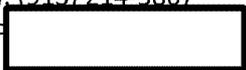
Forms Management Branch

Office of Intake and Document Production

U.S. Citizenship and Immigration Services

Office Telephone (M, T, R): (913) 214-5867

Telework Telephone (W, F)



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Shirk, Georgette L

From: Ramsay, John R
Sent: Wednesday, December 17, 2014 8:24 AM
To: Flores, Mary F; Sheridan, Michael J
Cc: Owens, Angela Y; Scales, Donna B; Nazer, David I
Subject: RE: Regarding updates to Form I-864

Good morning;

What is the status of completing the G-1056.

Thank you

John

John Ramsay
Management Program Analyst
Regulatory Coordination Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-8664
AT&T Connect 888-844-9904 Access Code 9488145
<https://connect16.uc.att.com/uscis/meet/?ExEventID=89488145>

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From: Ramsay, John R
Sent: Tuesday, December 16, 2014 4:45 PM
To: Flores, Mary F; Sheridan, Michael J
Cc: Owens, Angela Y (Angela.Y.Owens@uscis.dhs.gov); Scales, Donna B
Subject: RE: Regarding updates to Form I-864
Importance: High

Good afternoon;

I was wondering if this could be completed as soon as possible because we need to get the form out for concurrence.

Thank you

John Ramsay
Management Program Analyst
Regulatory Coordination Division

U.S. Citizenship and Immigration Services

Department of Homeland Security

(202) 272-8664

AT&T Connect 888-844-9904 Access Code 9488145

<https://connect16.uc.att.com/uscis/meet/?ExEventID=89488145>

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From: Ramsay, John R

Sent: Friday, December 12, 2014 3:28 PM

To: Flores, Mary F; Sheridan, Michael J

Cc: Owens, Angela Y (Angela.Y.Owens@uscis.dhs.gov); Scales, Donna B

Subject: FW: Regarding updates to Form I-864

Good Afternoon;

Can you please complete the attached form so that the I-864 forms can go out for concurrence?

Thank you

John

John Ramsay

Management Program Analyst

Regulatory Coordination Division

U.S. Citizenship and Immigration Services

Department of Homeland Security

(202) 272-8664

AT&T Connect 888-844-9904 Access Code 9488145

<https://connect16.uc.att.com/uscis/meet/?ExEventID=89488145>

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From: Wilson, Lynn M

Sent: Friday, December 12, 2014 10:05 AM

To: Ramsay, John R; Post, Elizabeth A

Cc: Scales, Donna B; Owens, Angela Y

Subject: RE: Regarding updates to Form I-864

Attached.

Please make sure to coordinate with Angela Owens as she handles G-1056 now.

Lynn Wilson

USCIS/OIDP/FRD/FMB

202-272-1203

(f) 202-272-8124
lynn.m.wilson@uscis.dhs.gov

From: Ramsay, John R
Sent: Friday, December 12, 2014 10:03 AM
To: Wilson, Lynn M; Post, Elizabeth A
Cc: Scales, Donna B
Subject: RE: Regarding updates to Form I-864

Yes, ASAP. Can you include the G-1056 as I will figure out who needs to complete it, get it done and returned to you today.

John Ramsay
Management Program Analyst
Regulatory Coordination Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-8664
AT&T Connect 888-844-9904 Access Code 9488145
<https://connect16.uc.att.com/uscis/meet/?ExEventID=89488145>

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From: Wilson, Lynn M
Sent: Friday, December 12, 2014 10:02 AM
To: Ramsay, John R; Post, Elizabeth A
Cc: Scales, Donna B
Subject: RE: Regarding updates to Form I-864

Yes. Are they going out for concurrence next week?

Lynn Wilson
USCIS/OIDP/FRD/FMB
202-272-1203
(f) 202-272-8124
lynn.m.wilson@uscis.dhs.gov

From: Ramsay, John R
Sent: Friday, December 12, 2014 10:01 AM
To: Post, Elizabeth A
Cc: Wilson, Lynn M; Scales, Donna B
Subject: RE: Regarding updates to Form I-864

Good morning;

I just wondered if we were still on track for today on the forms.

Thank you

John

John Ramsay
Management Program Analyst
Regulatory Coordination Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-8664
AT&T Connect 888-844-9904 Access Code 9488145
<https://connect16.uc.att.com/uscis/meet/?ExEventID=89488145>

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From: Post, Elizabeth A
Sent: Tuesday, December 02, 2014 9:27 AM
To: Ramsay, John R
Cc: Wilson, Lynn M; Scales, Donna B; Post, Elizabeth A
Subject: Regarding updates to Form I-864

John,

We plan on reviewing all the documents in this suite of forms and making the appropriate updates to standard language, per the mandate from OCC/DOJ.

Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867 (b)(6)
Telework Telephone (W, F) [REDACTED]

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From: Post, Elizabeth A
Sent: Wednesday, November 26, 2014 2:35 PM
To: Ramsay, John R
Cc: Wilson, Lynn M; Scales, Donna B; Post, Elizabeth A
Subject: RE: Form I-864 Updates

Hi John,
I'll take a look. I am still working on the main form/instructions.
I believe we are updating each of the forms in this suite with standard language.
I'll let you know what I find out next week.

Wishing you a Happy Thanksgiving.

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867
Telework Telephone (W, F) [REDACTED] (b)(6)

From: Ramsay, John R
Sent: Wednesday, November 26, 2014 2:01 PM
To: Post, Elizabeth A
Cc: Wilson, Lynn M; Scales, Donna B
Subject: RE: Form I-864 Updates

If that is the new delivery, that is what we will work with. I want to make sure that the non-changing form I-864W in this series will also be returned with the appropriate standard language. I am not sure if you are automatically doing this or if it even applies to the I-874W.

Thank you

John

John Ramsay
Management Program Analyst
Regulatory Coordination Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-8664
AT&T Connect 888-844-9904 Access Code 9488145
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From: Post, Elizabeth A
Sent: Monday, November 24, 2014 4:36 PM
To: Ramsay, John R
Cc: Wilson, Lynn M; Scales, Donna B; Post, Elizabeth A
Subject: Form I-864 Updates

Hi John,
We need to revise our timeframe for providing the updated pdfs of the Form I-864, I-864 A, and I-864EZ.
We will get the updated pdfs to you on or before 12/12.
Let me know if you have any questions.
Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch

Office of Intake and Document Production

U.S. Citizenship and Immigration Services

Office Telephone (M, T, R): (913) 214-5867

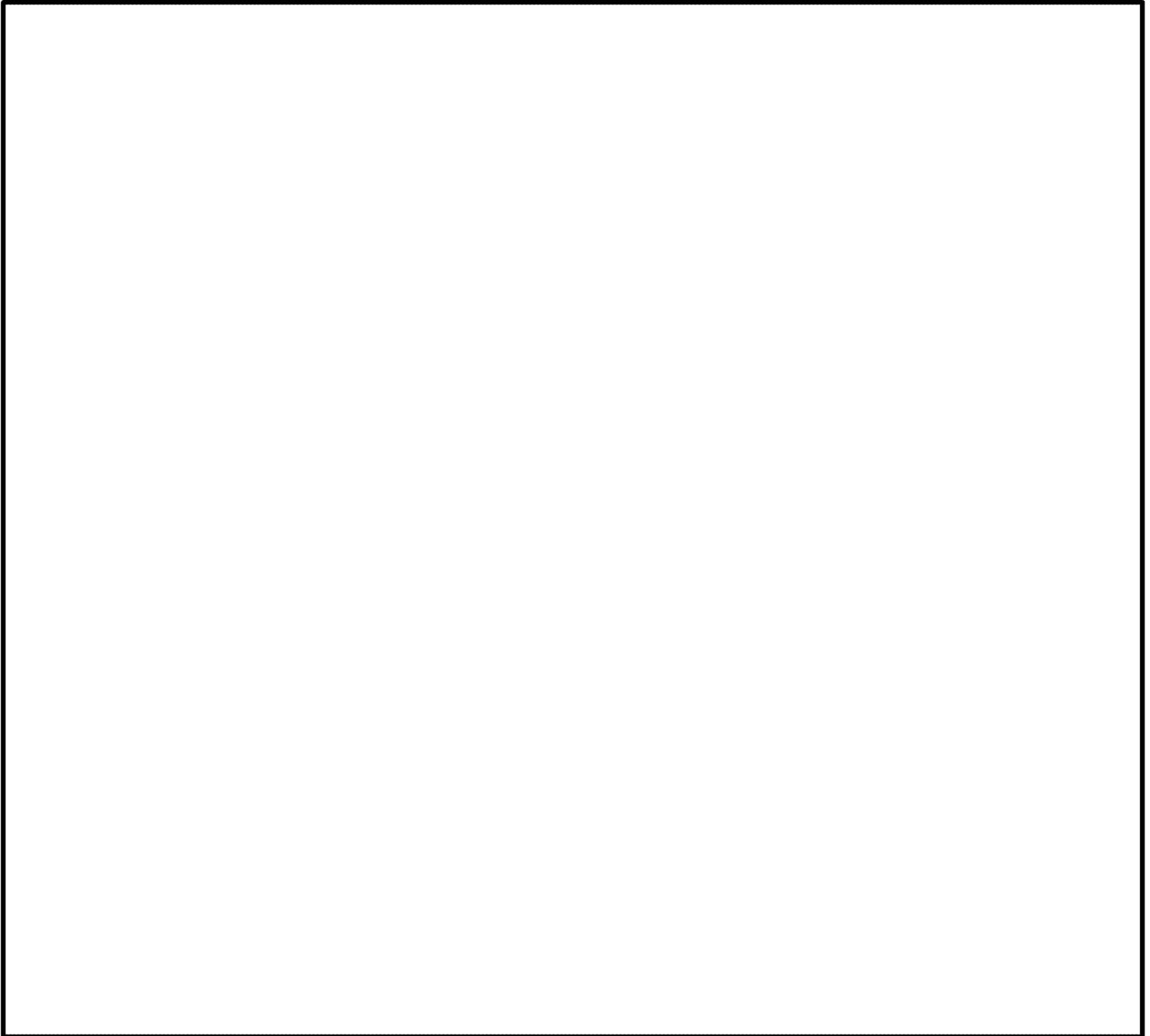
Telework Telephone (W, F)

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Shirk, Georgette L

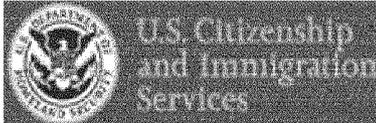
From: Sheridan, Michael J
Sent: Tuesday, November 10, 2015 9:01 AM
To: Johnson, David P
Cc: Nazer, David I
Subject: RE: Request for Information - Form I-864 (b)(5)



Handwritten signature of Michael J. Sheridan.

Michael J. Sheridan
Associate Counsel

Adjudications Law Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
E-mail: michael.j.sheridan@uscis.dhs.gov
Work: 202 345 1812



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From: Johnson, David P
Sent: Tuesday, November 10, 2015 7:05 AM
To: Sheridan, Michael J
Cc: Nazer, David I
Subject: Request for Information - Form I-864

(b)(5)

Hello Michael,



Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate - AOS Branch
(202)272-1046

From: Obalua-Adebiyi, Kemi A
Sent: Monday, November 09, 2015 1:02 PM
To: Johnson, David P; Nazer, David I
Subject: Question on Form I-864 from DoS-NVC

Good Morning, Gentlemen:

SBU
This email is UNCLASSIFIED.

Shirk, Georgette L

From: Brown-Frei, Roselyn C
Sent: Tuesday, September 16, 2014 6:42 AM
To: Ezeldin, Amany S; Nazer, David I; McHenry, Laura G
Cc: Young, Michelle L
Subject: RE: Seeking Guidance Regarding K-1 Affidavit of Support Issue (b)(5)

Roselyn Brown-Frei
Office of Policy and Strategy
United States Citizenship and Immigration Services

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From: Ezeldin, Amany S
Sent: Monday, September 15, 2014 5:34 PM
To: Nazer, David I; Brown-Frei, Roselyn C; McHenry, Laura G
Cc: Young, Michelle L
Subject: RE: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Hi David,

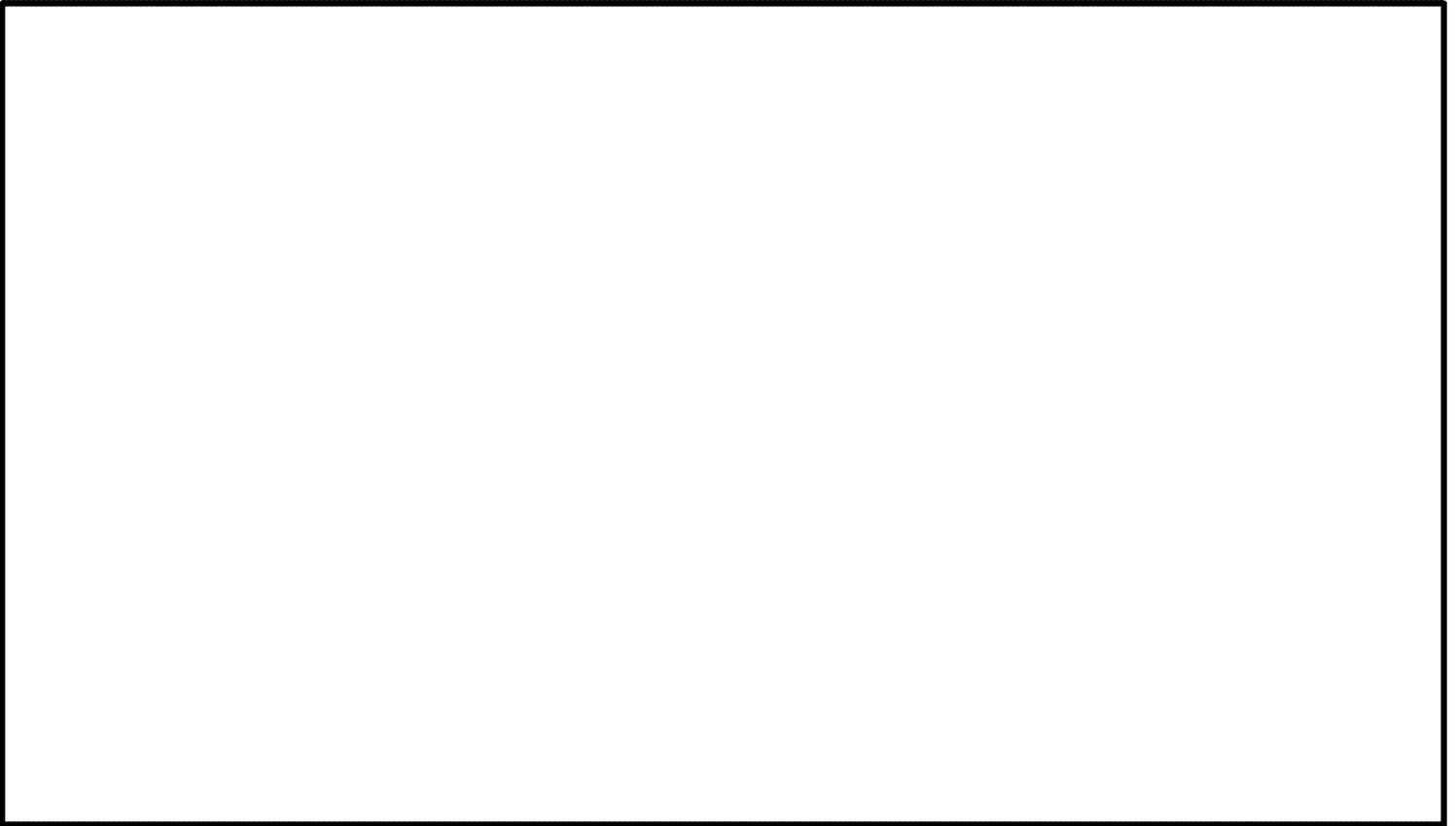
Thanks for your quick response. Did you mean we **do or don't** need to talk further? If we do need to talk (which I think we do), is there any chance we can set up a meeting this week? I am pretty flexible in the afternoons this week or all day Friday.

Thanks all,
Amany

From: Nazer, David I
Sent: Monday, September 15, 2014 2:45 PM
To: Ezeldin, Amany S; Brown-Frei, Roselyn C; McHenry, Laura G
Cc: Young, Michelle L
Subject: RE: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Amany,

(b)(5)



David

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From: Ezeldin, Amany S
Sent: Monday, September 15, 2014 11:25 AM
To: Brown-Frei, Roselyn C; Nazer, David I; McHenry, Laura G
Cc: Young, Michelle L
Subject: FW: Seeking Guidance Regarding K-1 Affidavit of Support Issue

(b)(5)

Hi Team,



Thanks in advance.
Amany

From: Ahmedani, Mariam
Sent: Friday, August 15, 2014 9:57 AM
To: Ezeldin, Amany S
Subject: FW: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Hi Amany,

I thought this was interesting argument and was wondering if you had any thoughts on this or if OP&S has a particular policy on approved VAWA petitioners who opt to adjust on a different basis.

Thanks,
Mariam

From: McIntosh, Elton D
Sent: Thursday, August 14, 2014 5:45 PM
To: Ahmedani, Mariam
Cc: RALD
Subject: FW: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Hi Mariam,

Could you please take a look at this and provide RALD's position on it?

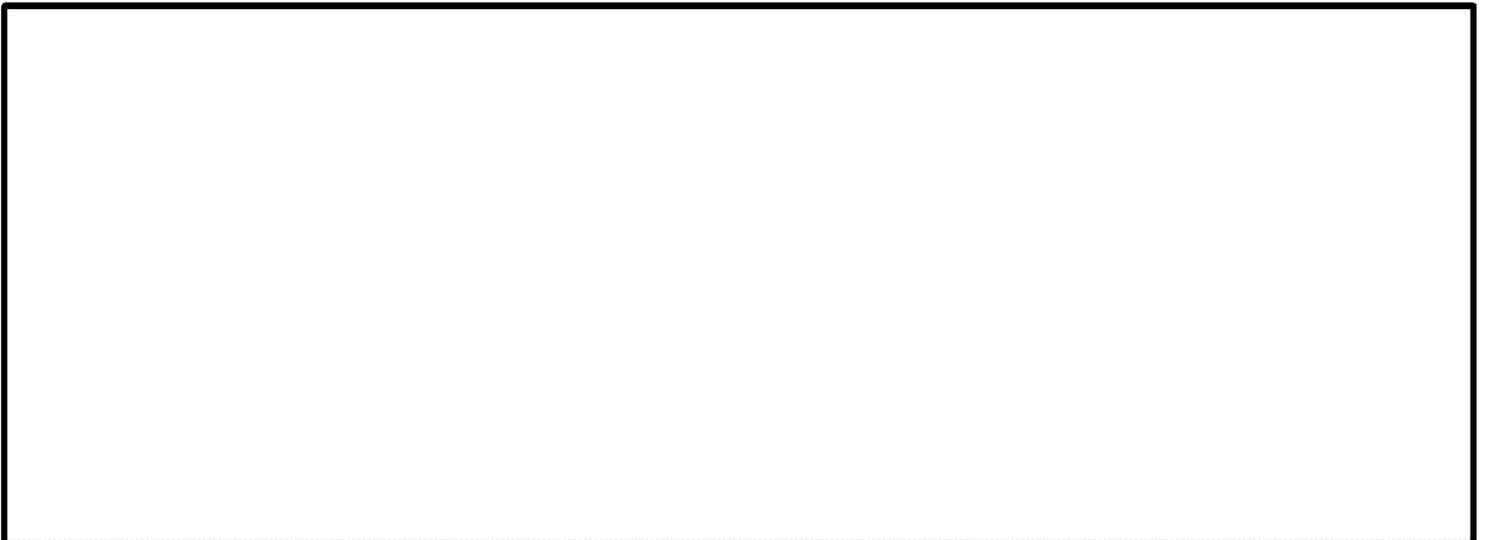
Thanks,

Elton

From: McFadden, James P
Sent: Thursday, August 14, 2014 4:32 PM
To: McIntosh, Elton D; Sheridan, Michael J; Smith, Sheldon
Subject: FW: Seeking Guidance Regarding K-1 Affidavit of Support Issue

(b)(5)

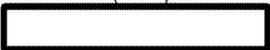
Gentlemen,





Thanks

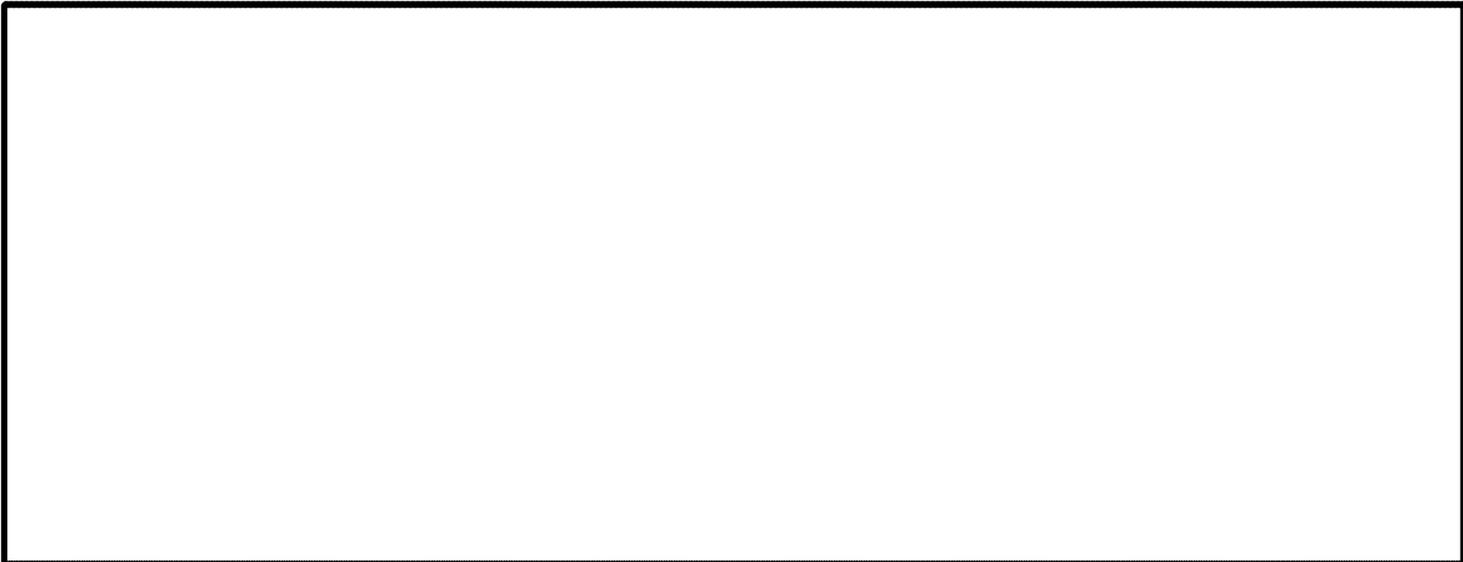
Jim
James P McFadden
Department of Homeland Security, USCIS
Assistant Northeast Regional Counsel
Office: (267) 292-6775

 (b)(6)

From: Catalano, Michael A
Sent: Wednesday, August 13, 2014 4:33 PM
To: McFadden, James P
Subject: FW: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Hi, Jim:

(b)(5)



M. Catalano

From: Kazimer, Joann R **On Behalf Of** NER Adjustment of Status
Sent: Wednesday, August 13, 2014 4:06 PM
To: Catalano, Michael A
Cc: Spencer, Julie C; Palmer, Justin; Martin, Jessica C
Subject: RE: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Hi Michael,

One more thing, did you run this past your local council yet?

Please contact the NER Adjustment of Status mailbox with any questions or concerns.

Thank you,

JoAnn Kazimer
Regional Immigration Services Officer

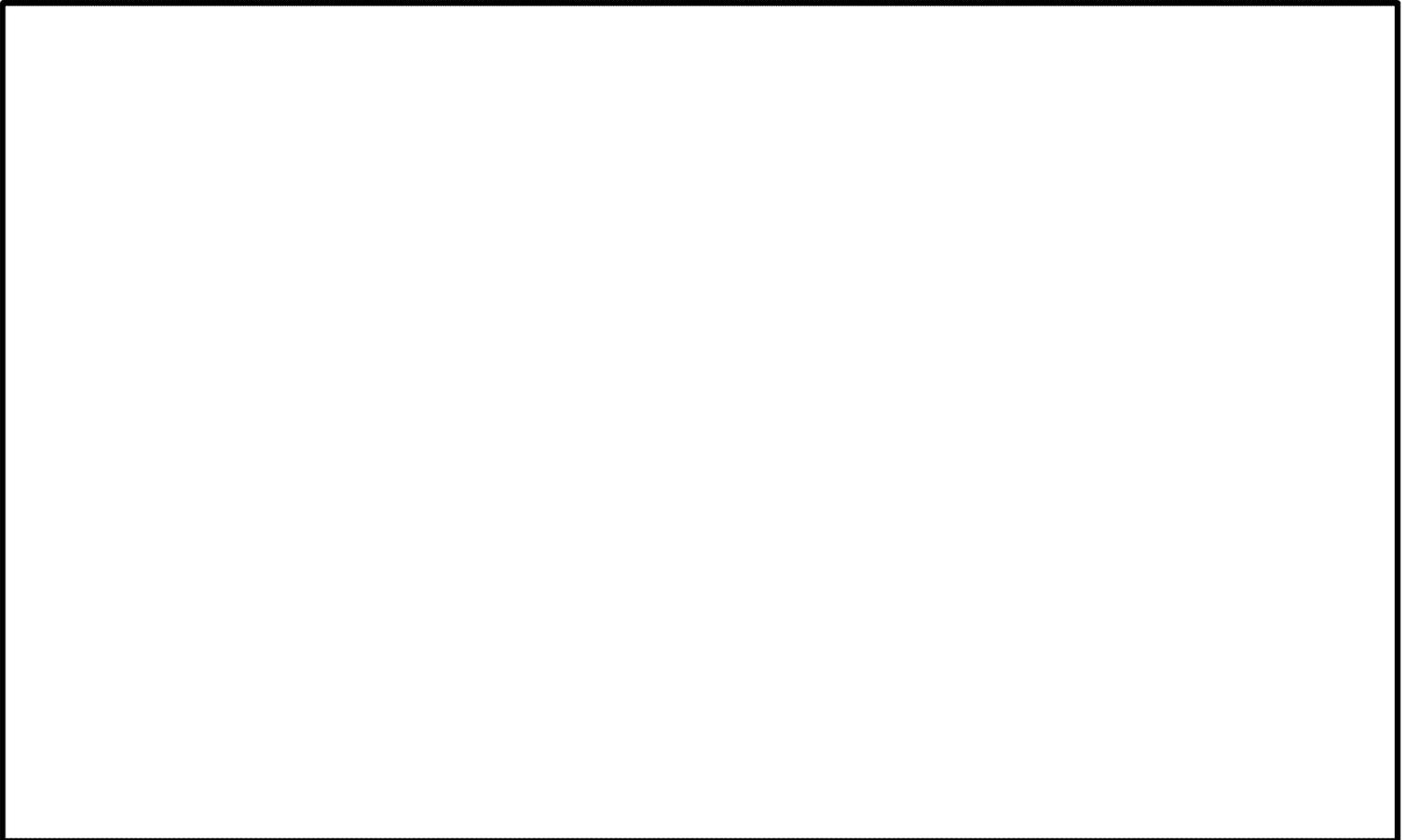
Northeast Region
412-390-3944

From: Catalano, Michael A
Sent: Wednesday, August 13, 2014 11:32 AM
To: NER Adjustment of Status
Subject: FW: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Good morning:

I am respectfully requesting guidance/assistance with the following issue: (b)(5)

Specifically:



Michael A. Catalano
USCIS-Philadelphia
856-236-7337

Shirk, Georgette L

From: Ezeldin, Amany S
Sent: Tuesday, September 16, 2014 8:32 AM
To: Nazer, David I; Brown-Frei, Roselyn C; McHenry, Laura G
Cc: Young, Michelle L
Subject: RE: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Thursday 9-10 works ... what about everyone else?

From: Nazer, David I
Sent: Tuesday, September 16, 2014 7:30 AM
To: Ezeldin, Amany S; Brown-Frei, Roselyn C; McHenry, Laura G
Cc: Young, Michelle L
Subject: RE: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Hi Amany,

I think we do need to talk further.

How's Thursday 9-10 or 1-2 work for you?

David

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From: Ezeldin, Amany S
Sent: Monday, September 15, 2014 5:34 PM
To: Nazer, David I; Brown-Frei, Roselyn C; McHenry, Laura G
Cc: Young, Michelle L
Subject: RE: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Hi David,

Thanks for your quick response. Did you mean we **do or don't** need to talk further? If we do need to talk (which I think we do), is there any chance we can set up a meeting this week? I am pretty flexible in the afternoons this week or all day Friday.

Thanks all,
Amany

From: Nazer, David I
Sent: Monday, September 15, 2014 2:45 PM
To: Ezeldin, Amany S; Brown-Frei, Roselyn C; McHenry, Laura G
Cc: Young, Michelle L
Subject: RE: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Amany,

Shirk, Georgette L

From: Young, Michelle L
Sent: Tuesday, September 16, 2014 9:46 AM
To: Ezeldin, Amany S; Nazer, David I; Brown-Frei, Roselyn C; McHenry, Laura G
Subject: RE: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Sorry for the late response...got in late, my youngest not feeling well! Thursday morning works for me as well!

Thanks,
Michelle

Michelle L. Young | Family Immigration & Victim Protection Division | Office of Policy & Strategy | USCIS | DHS | ☎ 802-527-3012
| michelle.l.young@uscis.dhs.gov

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From: Ezeldin, Amany S
Sent: Tuesday, September 16, 2014 9:32 AM
To: Nazer, David I; Brown-Frei, Roselyn C; McHenry, Laura G
Cc: Young, Michelle L
Subject: RE: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Thursday 9-10 works ... what about everyone else?

From: Nazer, David I
Sent: Tuesday, September 16, 2014 7:30 AM
To: Ezeldin, Amany S; Brown-Frei, Roselyn C; McHenry, Laura G
Cc: Young, Michelle L
Subject: RE: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Hi Amany,

I think we do need to talk further.

How's Thursday 9-10 or 1-2 work for you?

David

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From: Ezeldin, Amany S
Sent: Monday, September 15, 2014 5:34 PM
To: Nazer, David I; Brown-Frei, Roselyn C; McHenry, Laura G
Cc: Young, Michelle L
Subject: RE: Seeking Guidance Regarding K-1 Affidavit of Support Issue

Shirk, Georgette L

From: McHenry, Laura G
Sent: Thursday, October 16, 2014 10:25 AM
To: Nazer, David I
Subject: SSA

FYI on how to cite the SSA

See
http://www.ssa.gov/OP_Home/ssact/title02/0200.htm

The Social Security Act is like the INA. It is a stand-alone Act that has also been codified in the U.S. Code. So, at our level it's cited as "Section ___ of the Act" but in federal court, it's typically cited as 42 U.S.C. _____.

Laura G. McHenry
Adjudications Officer (Policy)
U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Policy and Strategy
Residence and Naturalization Division
20 Massachusetts Avenue NW
Washington, DC 20529
Office: 202-272-8540
Email: laura.g.mchenry@uscis.dhs.gov

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Shirk, Georgette L

From: Post, Elizabeth A
Sent: Thursday, April 16, 2015 3:35 PM
To: Nazer, David I
Cc: Wilson, Lynn M; Post, Elizabeth A
Subject: Update to I-864 forms

Hi David,

We need to retain references to "Coast Guard" so the respective phrases read: "...U.S. Armed Forces or U.S. Coast Guard..."

These references were ironed out during policy formulation/implementation of/revisions to DACA forms, and were provided by the Front Office.

I have cc'd Lynn Wilson on this email, because she is familiar with this issue.

Please let us know if you want to discuss this further.

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867
Telework Telephone (W) (b)(6)

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Shirk, Georgette L

From: Nazer, David I
Sent: Monday, April 20, 2015 6:38 AM
To: Post, Elizabeth A
Cc: Wilson, Lynn M
Subject: RE: Update to I-864 forms

Hi Elizabeth and Lynn,

I don't have a problem with the language. The statement was never wrong just duplicative (since U.S. Armed Forces by statutory definition, includes the U.S. Coast Guard).

State Department had pointed out that issue in the comment period. It's good to know that Coast Guard is part of Front Office approved language. So if the issue comes up again, we have a good response for keeping it in.

Thanks for letting me know.

David

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From: Post, Elizabeth A
Sent: Thursday, April 16, 2015 4:35 PM
To: Nazer, David I
Cc: Wilson, Lynn M; Post, Elizabeth A
Subject: Update to I-864 forms

Hi David,

We need to retain references to "Coast Guard" so the respective phrases read: "...U.S. Armed Forces or U.S. Coast Guard..."

These references were ironed out during policy formulation/implementation of/revisions to DACA forms, and were provided by the Front Office.

I have cc'd Lynn Wilson on this email, because she is familiar with this issue.

Please let us know if you want to discuss this further.

Thanks,
Elizabeth
Elizabeth Post
Forms Management Branch
Office of Intake and Document Production
U.S. Citizenship and Immigration Services
Office Telephone (M, T, R): (913) 214-5867
Telework Telephone (W, F) (b)(6)

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Shirk, Georgette L

From: Mills, Jonathan M
Sent: Tuesday, September 16, 2014 3:27 PM (b)(5)
To: Sheridan, Michael J; Nazer, David I



Jon Mills
Acting Chief, Management Services Branch &
Product Management Team Representative to OTC
Enterprise Services Directorate
Ph: 202-306-9874
jonathan.m.mills@uscis.dhs.gov

From: Sheridan, Michael J
Sent: Tuesday, September 16, 2014 2:03 PM
To: Nazer, David I; Mills, Jonathan M



(b)(5)

The other twist.

Michael J. Sheridan
Associate Counsel

Adjudications Law Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
E-mail: michael.j.sheridan@uscis.dhs.gov
<<mailto:michael.j.sheridan@uscis.dhs.gov>>
Work: 202 345 1812

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Shirk, Georgette L

From: Sheridan, Michael J
Sent: Monday, January 05, 2015 4:38 PM
To: Nazer, David I
Subject: RE: affidavit of support and public charge

26 citations, so far. But I guess not much, in 20 years ;)

Michael J. Sheridan
Associate Counsel

Adjudications Law Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
E-mail: michael.j.sheridan@uscis.dhs.gov
<<mailto:michael.j.sheridan@uscis.dhs.gov>>
Work: 202 345 1812

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From: Nazer, David I
Sent: Monday, January 05, 2015 3:35 PM
To: Sheridan, Michael J
Subject: RE: affidavit of support and public charge

(b)(5)

Thanks for reviewing.

2015...here we come!!

David

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From: Sheridan, Michael J
Sent: Monday, January 05, 2015 5:15 PM
To: Nazer, David I
Subject: RE: affidavit of support and public charge

David,

See attached.

Happy 2015!

Michael J. Sheridan
Associate Counsel

Adjudications Law Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
E-mail: michael.j.sheridan@uscis.dhs.gov
<<mailto:michael.j.sheridan@uscis.dhs.gov>>
Work: 202 345 1812

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From: Nazer, David I
Sent: Monday, January 05, 2015 11:51 AM
To: Sheridan, Michael J
Subject: affidavit of support and public charge

Hi Michael,

Hope you had a happy new year.

I imagine things are pretty busy right now, but I was wondering if you had some time to take a quick look at the public charge/affidavit of support PM draft before I sent it to my management for review. Thanks.

David Nazer
Adjudications Officer (Policy),
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
(202) 272-8405

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Shirk, Georgette L

Subject: I-864 National Listening Session
Location: Teleconference / ESD Conference Room (20 Mass)

Start: Thu 11/19/2015 12:00 PM
End: Thu 11/19/2015 1:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Murnane, Kristin M
Required Attendees: Nazer, David I; Johnson, David P; Frank, Melanie R; Elder, Phillip D; Ellis, Rachel H; Obalua-Adebisi, Kemi A
Optional Attendees: Meckley, Tammy M; Mitchell, Angela L; Mayhew, Michael X; Parker, Christine D (ParkerCD2@state.gov); austinrm@state.gov; Courtemanche, Ida R (Courtemancheia@state.gov); Dixon, Amanda W (DixonAW@state.gov); Hluchyj, Melissa C; Smith, Meeka S; Hobert, Matthew E; Brown-Frei, Roselyn C; Haack, Dustin R

Please be sure to dial in at least 5 minutes prior to the call. Thank you.



i864 listening
session agenda....

Tips for Filing Form I-864, Affidavit of Support Under Section 213A of the INA

When filing Form I-864, Affidavit of Support Under Section 213A of the INA, it is important to fill out the affidavit completely and provide all required information with your initial filing. This will reduce processing delays and errors in communication.

Please read and follow the filing tips to ensure proper processing.

Who completes this form? The financial sponsor fills out and signs this form.

A financial sponsor is an individual who agrees to financially support an immigrant who applies for either an immigrant visa or adjustment of status to become a lawful permanent resident.

Section	What to Do
In Part 3 of Form I-864	List only the family members you are sponsoring who will be immigrating at the same time or within six months after the principal immigrant.
In Part 3, Question 28	Enter the total number of immigrants sponsored on the affidavit.
In Part 4, Questions 7, 10 and 11	Enter the sponsor's city or town of birth, U.S. Social Security number and citizenship or residency.
In Part 5, Sponsor's Household Size	Do not count any member of your household more than once.
In Part 5, Question 6	List the total number of lawful permanent residents that you are currently obligated to support through filing a Form I-864 on their behalf.
In Part 5, Question 8	Provide the Sponsor's Total Household Size, which is the total of your answers to questions 1 through 7.
In Part 6, Question 1.a.1	The sponsor needs to name their employer if he or she checks the box for Question 1.a. in Part 6.
In Part 6, Questions 3-14	The sponsor needs to provide the name, relationship and current income for any other person who was counted in the household size.
In Part 6, Question 15	Place the total current annual household income of yourself and any household members who files a Form I-864A,

	Contract Between Sponsor and Household Member.
In Part 8, Question 6a	The sponsor must sign the form.

Note: All 12 pages of the Form I-864 must be submitted.

Tips for Filing Form I-864, Affidavit of Support Under Section 213A of the INA

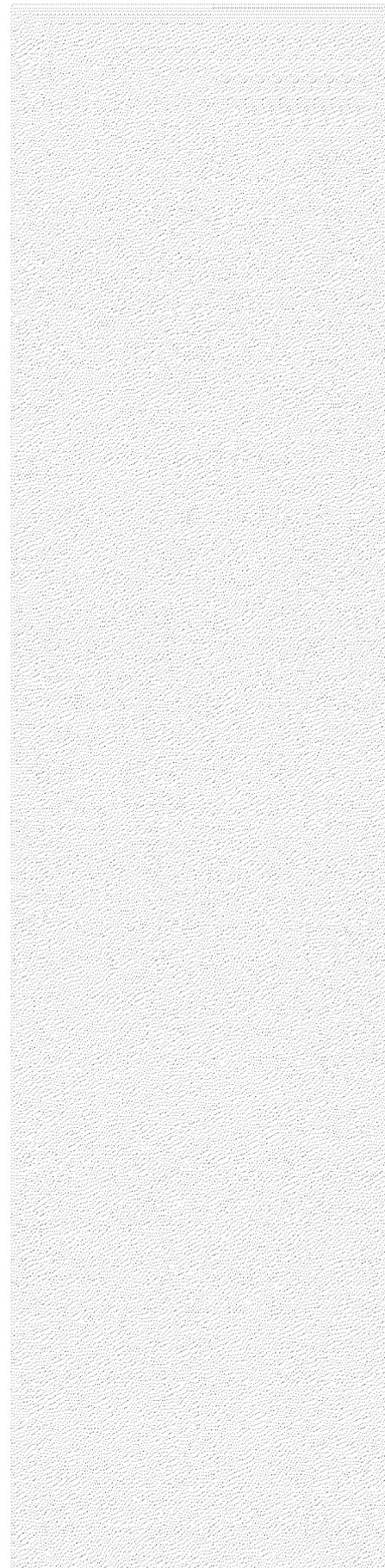
When filing Form I-864, Affidavit of Support Under Section 213A of the INA, it is important to fill out the affidavit completely and provide all required information with your initial filing. This will reduce processing delays and errors in communication.

Please read and follow the filing tips to ensure proper processing.

Who completes this form? The financial sponsor fills out and signs this form.

Section	What to Do
In Part 3 of Form I-864	List only the family members you are sponsoring who will be immigrating at the same time or within six months after the principal immigrant.
In Part 3, Question 28	Enter the total number of immigrants sponsored on the affidavit.
In Part 4, Questions 7, 10 and 11	Enter the sponsor's city or town of birth, U.S. Social Security number and citizenship or residency.
In Part 5, Sponsor's Household Size	Do not count any member of your household more than once.
In Part 5, Question 6	List the total number of lawful permanent residents that you are currently obligated to support through filing a Form I-864 on their behalf.
In Part 5, Question 8	Provide the Sponsor's Total Household Size, which is the total of your answers to questions 1 through 7.
In Part 6, Question 1.a.1	The sponsor needs to name their employer <u>if he or she checks the corresponding box.</u>
In Part 6, Questions 3-14	The sponsor needs to provide the name, relationship and current income for any other person who was counted in the household size.
In Part 6, Question 15	Place the total current annual household income of yourself and a household member <u>your joint sponsors (who need to file as Form I-864A, Contract Between Sponsor and Household Member).</u>
In Part 8, Question 6a	The sponsor must sign the form.

Note: All 12 pages of the Form I-864 must be submitted.





Form I-864 Affidavit of Support, Listening Session Agenda
Thursday, November 19, 2015
1:00 – 2:00 p.m.

Call in number: 888-955-8965

Passcode: 1453114

- **If you are a speaker, please identify yourself as one when you dial in** -

- I. Welcome and Overview (CSPE: Rachel Ellis) – 2 minutes**
- II. Opening Remarks (ESD: Tammy Meckley, Associate Director) – 5 minutes**
 - a. Highlight reason for developing filing tips**
- III. Overview of Filing Tips for Form I-864 (CSPE: Rachel Ellis) – 10 minutes**
 - a. Highlight common mistakes in filing the 864**
- IV. Feedback from Stakeholders – 40 minutes**
 - a. SMEs to include:**
 - i. Donna Scales (OIDP)**
 - ii. Phillip Elder (OCC)**
 - iii. David Nazer (OP&S)**
 - iv. David Johnson (FOD)**
 - v. Christine Parker / Amanda Dixon (DOS)**
- V. Closing Remarks (CSPE: Rachel Ellis) – 2 minutes**

RE: OCC Public Charge Training

Wednesday, December 30, 2015
8:57 AM

Subject	RE: OCC Public Charge Training
From	Nazer, David I
To	Kent, Allison D; Helm, James R; Benedict, Deborah L; Honer, Angela G
Cc	Vignier, Monica A; Sheridan, Michael J; Upchurch, Evelyn M; Hurteau, Mallory J; Krebs, Kristie L; Powell, David W; Smith, Alice J; Brown-Frei, Roselyn C
Sent	Thursday, November 19, 2015 9:10 AM
Attachments	 OCC Public Charge PP...

The presentation looks really good.

I had a few comments and edits which I added into the version that James edited.

If you have any questions please let me know. Thanks.

David

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From: Kent, Allison D
Sent: Tuesday, November 17, 2015 9:55 AM
To: Helm, James R; Benedict, Deborah L; Nazer, David I; Honer, Angela G
Cc: Vignier, Monica A; Sheridan, Michael J; Upchurch, Evelyn M; Hurteau, Mallory J; Krebs, Kristie L; Powell, David W; Smith, Alice J
Subject: RE: OCC Public Charge Training

Adding Alice for her insight as well, as she was out on detail when OCC originally reviewed.

Thanks,
Allison

From: Helm, James R
Sent: Friday, November 06, 2015 5:58 PM
To: Benedict, Deborah L; Nazer, David I; Honer, Angela G
Cc: Kent, Allison D; Vignier, Monica A; Sheridan, Michael J; Upchurch, Evelyn M; Hurteau, Mallory J; Krebs, Kristie L; Powell, David W
Subject: RE: OCC Public Charge Training
Importance: High

Debbie,

Thanks for the opportunity to review the draft. I am attaching a version with my comments and suggested edits. Have a great weekend.

Very Respectfully,
James "Rich" Helm

James Helm | Training Officer | Dept. of Homeland Security | USCIS | Field Operations Directorate | District 23 | Los Angeles, CA 90012 | 📞: 213-830-5052 | 📠: 213-830-5146 | ✉️:

[District 23 Training on ECN](#)



Please print only when necessary

From: Benedict, Deborah L
Sent: Friday, November 06, 2015 10:41 AM
To: Nazer, David I; Honer, Angela G; Helm, James R
Cc: Kent, Allison D; Vignier, Monica A; Sheridan, Michael J; Upchurch, Evelyn M; Hurteau, Mallory J; Krebs, Kristie L; Powell, David W
Subject: OCC Public Charge Training

David, Angela and James,

Attached is the first draft of Public Charge training based on the outline we all reviewed last month. I have incorporated the scenarios that James and Angela worked on as well – thank you!

There is one question embedded in the power point for OP&S. In addition to your review for accuracy with field procedures and USCIS policy, we welcome any and all thoughts that could improve this offering and make it more effective.

Thank you all,
Debbie

Deborah L. Benedict
Chief, Training and Knowledge Management
USCIS Office of Chief Counsel
Phone: 202-246-5076
Email: Deborah.L.Benedict@uscis.dhs.gov

Public Charge Inadmissibility

Office of the Chief Counsel

Course number (TKMD will provide)

December 2015

DRAFT



U.S. Citizenship
and Immigration
Services



U.S. Citizenship and Immigration Services

Public Charge Inadmissibility

Office of the Chief Counsel

Course number (TKMD will provide)

December 2015

DRAFT



U.S. Citizenship
and Immigration
Services

Slide 12

AJS10 I've added a few edits that I believe are correct, but they and ALL the AOS slides should be double checked by Michael Sheridan, our super AOS SME !
Alice J. Smith-USCIS/OCC, 12/4/2015

AJS23 Again, this and the following AOS slides might be better placed at the end after the PPT covers the public charge definition in full, including the types of public benefits that can/cannot be considered in the analysis.
Alice J. Smith-USCIS/OCC, 12/4/2015

DIN20 Deleted the reference to "joint sponsors" here.

The term sponsor includes the petitioning sponsor, a joint sponsor, or a substitute sponsor.

The use of "joint sponsors" plural is misleading in terms of the way sponsor is explained in guidance and on the Form I-864 instructions. While the joint sponsor is held jointly and severally liable with the petitioning sponsor, the petitioning sponsor is not referred to as a "joint sponsor."

In general only one joint sponsor may be used (so the beneficiary would have two sponsors, but only one joint sponsor). There are limited circumstances (e.g. derivative family members) where there may be more than one joint sponsor on the same I-864.

Nazer, David I, 12/21/2015



U.S. Citizenship and Immigration Services

Quick questions about I-864 Instructions

Wednesday, December 30, 2015

8:16 AM

Subject	Quick questions about I-864 Instructions
From	Post, Elizabeth A
To	Nazer, David I
Cc	Tabron, Chante N; Wilson, Lynn M; Post, Elizabeth A
Sent	Wednesday, April 22, 2015 2:49 PM
Attachments	 I864-INS-3...

Hi David,

I read through the I-864 Instructions and have several quick questions for you.

I'm attaching the latest pdf to facilitate you responding, but please know that several of the edits you provided earlier have not yet been incorporated.

1. Page 5, Specific Instructions, Item Number 5. Country of Domicile: Did you want the first sentences in #1-3 in bold, like they are on the current version- So, for example, #1 would read: **"You are employed by a certain organization."**
2. Page 6, Specific Instructions, Item Numbers 11.a.-11.c. Citizenship or Residency, "...3. If applicable, also provide the spouse's A-Number in Item Number 12."
I couldn't find where item had come from, and we don't provide extra space to write in a spouse's A-Number in the current version of the instructions. I didn't know if this was a copy/paste error on our part, or if it had been added in by someone outside our staff. If you want to keep it, we need to either add another data collection space to Item Number 12, or reference Part 11. Additional Information- For example, "If applicable, provide the spouse's A-Number in Part 11. Additional Information."
3. Page 6, Specific Instructions, Item Number 14. Military Service. Please review the sentence "If you provide evidence that you are currently...income at 100 percent of the poverty level for your household size, instead of at 125 percent of the poverty level." Please advise if that is correct.
4. Page 16, Checklist: If it is OK with you, I'd like to edit several sentences to read:
 - "For U.S. citizens or U.S. nationals, a copy of your birth certificate, passport...."
 - (Last sentence on checklist) "A copy of an order from the appointing court or agency specifically permitting...."

Thanks for your help,

Elizabeth

Elizabeth Post

Forms Management Branch

Office of Intake and Document Production

U.S. Citizenship and Immigration Services

Office Telephone (M, T, R): (913) 214-5867

Telework Telephone

(b)(6)

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Shirk, Georgette L

Subject: FW: I-864 National Listening Session
Location: Teleconference / ESD Conference Room (20 Mass)

Start: Thu 11/19/2015 12:00 PM
End: Thu 11/19/2015 1:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Murnane, Kristin M

FYI

-----Original Appointment-----

From: Murnane, Kristin M

Sent: Thursday, November 19, 2015 8:21 AM

To: Murnane, Kristin M; Nazer, David I; Johnson, David P; Frank, Melanie R; Elder, Phillip D; Ellis, Rachel H; Obalua-Adebiyi, Kemi A

Cc: Meckley, Tammy M; Mitchell, Angela L; Mayhew, Michael X; Parker, Christine D (ParkerCD2@state.gov); austinrm@state.gov; Courtemanche, Ida R (Courtemancheia@state.gov); Dixon, Amanda W (DixonAW@state.gov); Hluchyj, Melissa C; Smith, Meeka S; 'Hobert, Matthew E'; Brown-Frei, Roselyn C; Haack, Dustin R

Subject: I-864 National Listening Session

When: Thursday, November 19, 2015 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Teleconference / ESD Conference Room (20 Mass)

Please be sure to dial in at least 5 minutes prior to the call. Thank you.



i864 listening
session agenda....



Tips for Filing Form I-864, Affidavit of Support Under Section 213A of the INA

This tip sheet will help you complete Form I-864, Affidavit of Support Under Section 213A of the INA. Detailed Instructions for Affidavit of Support are also available. When filing Form I-864, it is important to fill out the form completely and provide all required information with your initial filing. This will reduce processing delays and errors in communication.

Please read and follow the filing tips to ensure proper processing.

Note: All 12 pages of Form I-864 must be submitted.

***Who completes this form?** The sponsor of an intending immigrant fills out and signs this form in black ink. If the sponsor is under guardianship, the guardian of that sponsor's estate (financial affairs) may sign the form.*

- As the person completing Form I-864, you are the sponsor (or, as appropriate, a substitute sponsor or joint sponsor). By signing this form, you agree to financially support an immigrant who applies for either an immigrant visa or adjustment of status to become a lawful permanent resident.
- In most cases, the sponsor **must** be the individual who filed the visa petition for the intending immigrant.
- If the individual who filed the visa petition cannot sign this form because the individual has died, a substitute sponsor may sign this form.
- If the individual who filed the visa petition or a substitute sponsor signs this form, but is unable to meet the financial requirements, another individual must also sign a separate form as a joint sponsor to meet the financial requirements.
- Each sponsor needs to submit taxes and W2's if he or she is not using an IRS printout, or provide a reason for not filing taxes.

- The principal immigrant is the intending immigrant who is the beneficiary of the immigrant visa petition.
- Family members are the principal immigrant’s spouse and minor children, who intend to travel with the principal immigrant or within six months of the principal immigrant’s arrival in the United States.
- Household members are the spouse or other relatives who live in the sponsor’s residence, who are already supported by the sponsor and/or who will contribute income to the financial sponsorship of the principal immigrant and his or her family members.

What you will need

In order to complete this form, you should have the following information available:

- The principal immigrant’s name and address,
- The names of the principal immigrant’s family members and their relationship to the principal immigrant,
- Your employer and annual income,
- The annual income of any household members who intend to contribute to the financial sponsorship of the principal immigrant, and
- Information about anyone you may have previously financially sponsored on a Form I-864.

Submitting Evidence

The principal immigrant must submit one original Form I-864 for his or her file along with supporting financial evidence of the sponsor’s income. A Form I-864 is considered original if it is signed in black ink.

The principal immigrant should also submit photocopies of the completed Form I-864 for each family member traveling with him or her. Copies of supporting financial documents are not required for the principal immigrant’s family members.

Tips on completing Form I-864

Section	What to Do
Part 3	List only the principal immigrant and his or her family members you are sponsoring. Only include family members you are sponsoring who will be immigrating at the same time or within six months of the principal immigrant’s arrival in the United States.

	There may be multiple financial sponsors who each sponsor different family members. You should only include those you have agreed to sponsor.
Part 5, Question 6	You must list the total number of lawful permanent residents that you are already obligated to support due to a previous filing of a Form I-864 in a different immigrant visa case.
Part 5, Question 8	The Sponsor's Total Household Size is the total of the numbers entered in questions 1 through 7.
Part 6, Question 1.a.1.	You must provide the name of your employer if you check the box for Question 1.a.
Part 6, Questions 3-14	<p>You must provide the name, relationship and current income of any other household member whose income will be considered to support the principal immigrant and any family members listed in Part 3.</p> <p>These household members must share the same principal residence as the financial sponsor, and must also complete Form I-864A, Contract Between Sponsor and Household Member.</p> <p>You do not need to list any household member's income in Part 6 if that household member does not intend to provide financial support to the principal immigrant.</p>
Part 6, Question 15	You must provide the current annual household income for yourself and any household members whose income will be considered to support the principal immigrant and any family members listed in Part 3. In order for the household member's income to be considered in support of the immigrants, the household member also needs to complete Form I-864A, Contract Between Sponsor and Household Member.
Part 8, Question 6a.-b.	You must sign and date the form in black ink. The signature needs to be original

	(not a photocopy).
--	--------------------



Tips for Filing Form I-864A, Contract Between Sponsor and Household Member

This tip sheet will help you complete Form I-864A, Contract Between Sponsor and Household Member. Detailed Instructions for Filing Form I-864A are also available. When filing Form I-864A, it is important to fill out the form completely and provide all required information with your initial filing. This will reduce processing delays and errors in communication.

Please read and follow the filing tips to ensure proper processing.

Note: All 8 pages of Form I-864A must be submitted.

Who completes this form? The sponsor and a household member complete and sign this form. If either the sponsor or the household member is under guardianship, the guardian of that individual's estate (financial affairs) may sign the form.

- In most cases, the sponsor **must** be the individual who filed the visa petition for the intending immigrant. By signing this form, the sponsor agrees to financially support the intending immigrant who is applying for either an immigrant visa or adjustment of status to become a lawful permanent resident.
- If the individual who filed the visa petition has died, a substitute sponsor may sign this form along with a household member.
- If there is a joint sponsor, the joint sponsor may sign this form along with a household member.
- By signing this form, a household member agrees to help the sponsor, substitute sponsor or joint sponsor financially support the intending immigrant because the sponsor, substitute sponsor or joint sponsor does not meet the income requirements to financially support the intending immigrant on his or her own.
- If the sponsor alone is unable to provide full financial support to the principal immigrant and his or her family members, the sponsor may include income from a household member by filing Form I-864A. The sponsor needs to submit taxes and

W2's if he or she is not using an IRS printout, or provide a reason for not filing taxes.

Submitting Evidence

The principal immigrant must submit one original Form I-864 and Form I-864A for his or her file along with supporting financial evidence of the sponsor's and household member's income. A Form I-864 or Form I-864A is considered original if it is signed in black ink.

The principal immigrant should submit photocopies of the completed Form I-864 and Form I-864A for each of the family members traveling with him or her. Copies of supporting financial documents are not required for the principal immigrant's family members.

Tips on completing Form I-864A

Section	What to Do
Part 1	The household member completes this section.
Part 1, Questions 6.a-7	The household member provides his or her Place of Birth and Social Security Number, if you have one.
Part 2, Questions 1.a.-1.c.	The household member indicates the relationship to the sponsor (or, if appropriate, the joint sponsor or substitute sponsor).
Part 3, Questions 1.a.-2. And Part 4, Questions 1-3d	The household member provides this employment information and current individual annual income.
In the beginning of Part 5	The sponsor (or, if appropriate, a joint sponsor or substitute sponsor) must print their name and the number of intending immigrants being sponsored. This number should include all intending immigrants that were listed in Part 5, Questions 1.a-25 and those listed in Part 9, Additional Information (if any).
Part 5	List only the intending immigrants that are being sponsored on Form I-864.
Part 5, Questions 31.a.-31.b.	The sponsor (or, as appropriate, a joint sponsor or substitute sponsor) must sign and date the form. The signature needs to be original (not a photocopy).
Part 6, Questions 6.a-6.c	The household member must print, sign and provide the date of signature in black ink. The signature needs to be original (not

	a photocopy).
--	---------------

Shirk, Georgette L

From: Johnson, David P
Sent: Thursday, December 17, 2015 2:38 PM
To: Simmons, Tina Y
Cc: Hurteau, Mallory J
Subject: RE: FOIA Request NRC2015152878 - Due Date 12/30
Attachments: Affidavit of Support Common Errors and Suggestions (24-July-2015).docx; Draft Form I-864 Enhancement Project Charter July-7.doc; (Vol 8 Part G) Public Charge 10-13-15 draft.docx; SIG Staffing Sheet.pdf

Hello Tina, I have attached the completed SIG Staffing Sheet and the materials that I have found (6 hyperlinks and 3 attached documents below).

Hyperlinks to Documents –

[I-864 Memo – 10/23/2008 on USCIS Connect](#)

[I-485 SOP – 1/2/13](#) – on USCIS Connect - Pages 10, 22, 28, Appendix D have references to the I-864 or “Affidavit of Support”

[Tips for Filing Form I-864 on USCIS public website](#)

[Tips for Filing Form I-864A on USCIS public website](#)

[Tips for Filing Form I-864W on USCIS public website](#)

[Tips for Filing Form I-864EZ on USCIS public website](#)

Attachments –

1. Affidavit of Support Common Errors and Suggestions
2. Draft From I-864 Enhancement Project Charter
3. (Vol 8 Part G) Public Charge – (DRAFT POLICY MANUAL DOCUMENT) – **(Predecisional Draft)**

Thanks,

David P. Johnson, Adjudications Officer
HQ Field Operations Directorate – AOS Branch
(202)272-1046

From: Simmons, Tina Y
Sent: Thursday, December 17, 2015 10:11 AM
To: Krebs, Kristie L; Rosenstock, Peter L; Hurteau, Mallory J
Subject: FOIA Request NRC2015152878 - Due Date 12/30
Importance: High

Good Morning,

Attached is a FOIA request regarding processes related to I-864 forms. Please send responsive documents to me no later than December 30.

Electronic copies of responsive materials is preferable, but if you send paper copies, mail them via certified mail (or other form of tracking) to the FOD HQ Office, 111 Mass Ave, MS: 2030, Washington, DC 20529. Do not send original documents; do not staple, clip or otherwise separate the documents (an orderly big stack of papers). A tip sheet is attached for additional information about searching for and sending responsive documents.

For timely processing, it is required that all responsive documents be turned over to FOD HQ with a completed staffing sheet, see attached.

- Reference the FOIA number in the subject line of this email on page one of the staffing sheet.
- On page three, provide any opinion of withholding/redaction recommendations.
- A staffing sheet must be completed even if you found no responsive documents.

If you have any questions about this request, the FOIA process, or concerns about what should or should not be released, please do not hesitate to contact me.

If there is a POC that you would like to copy for your office, please provide and I will include in future requests.

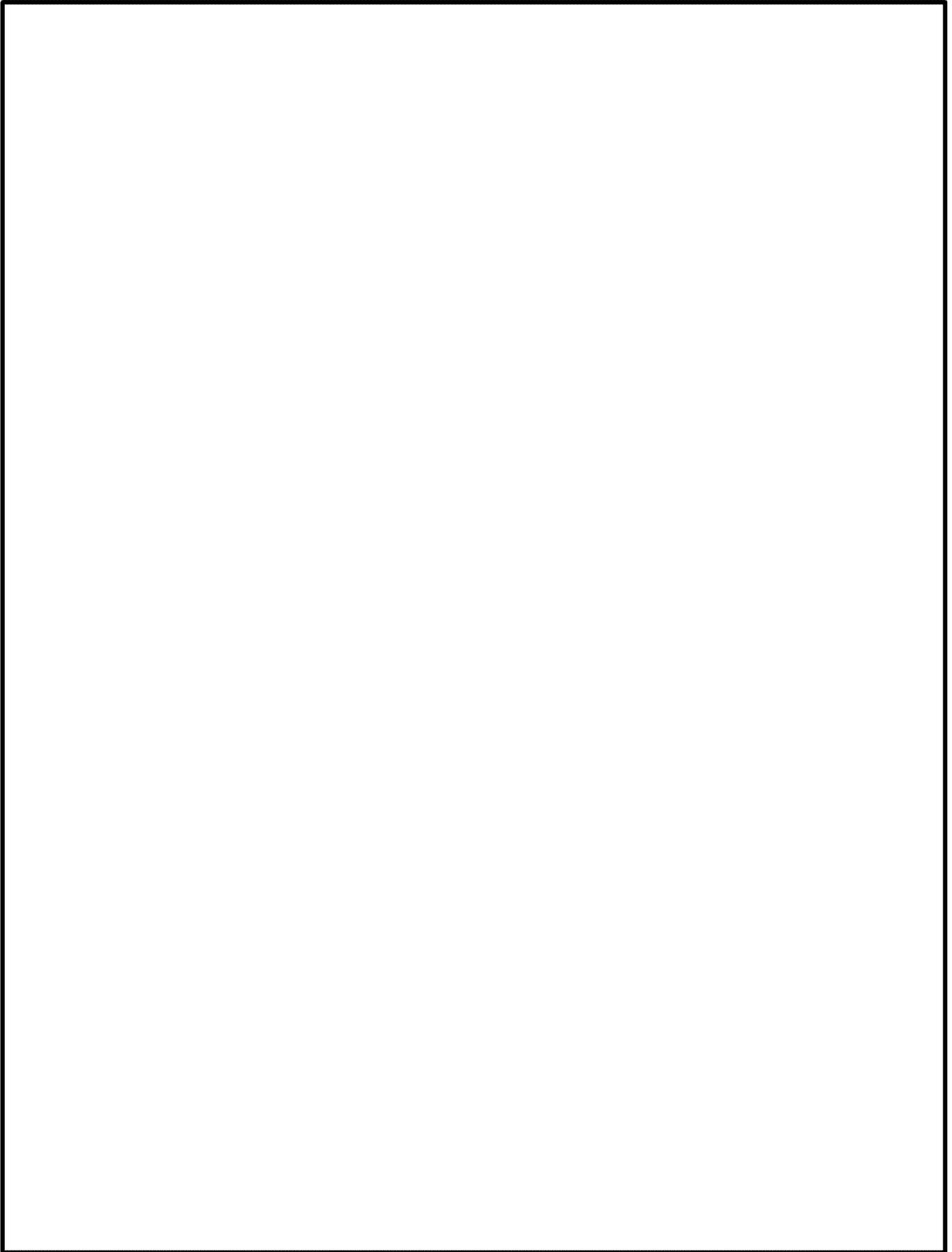
We understand you have many priorities and appreciate your timely response to this request. USCIS is obliged to comply with the Freedom of Information Act (FOIA). We request that you respond to this request within 14 business days. Thank you for your support in assuring FOD responds to public requests for information timely.

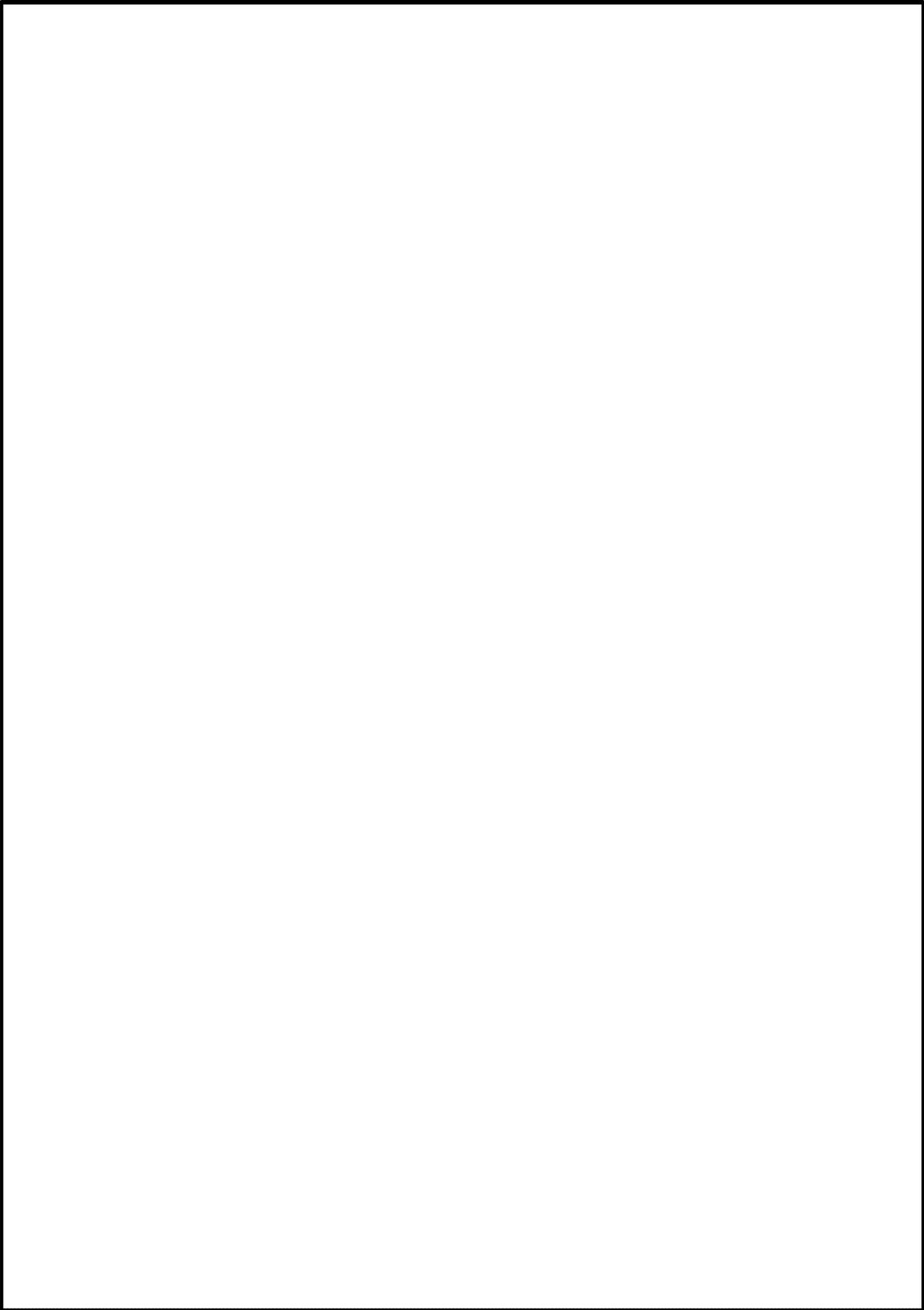
Best regards,

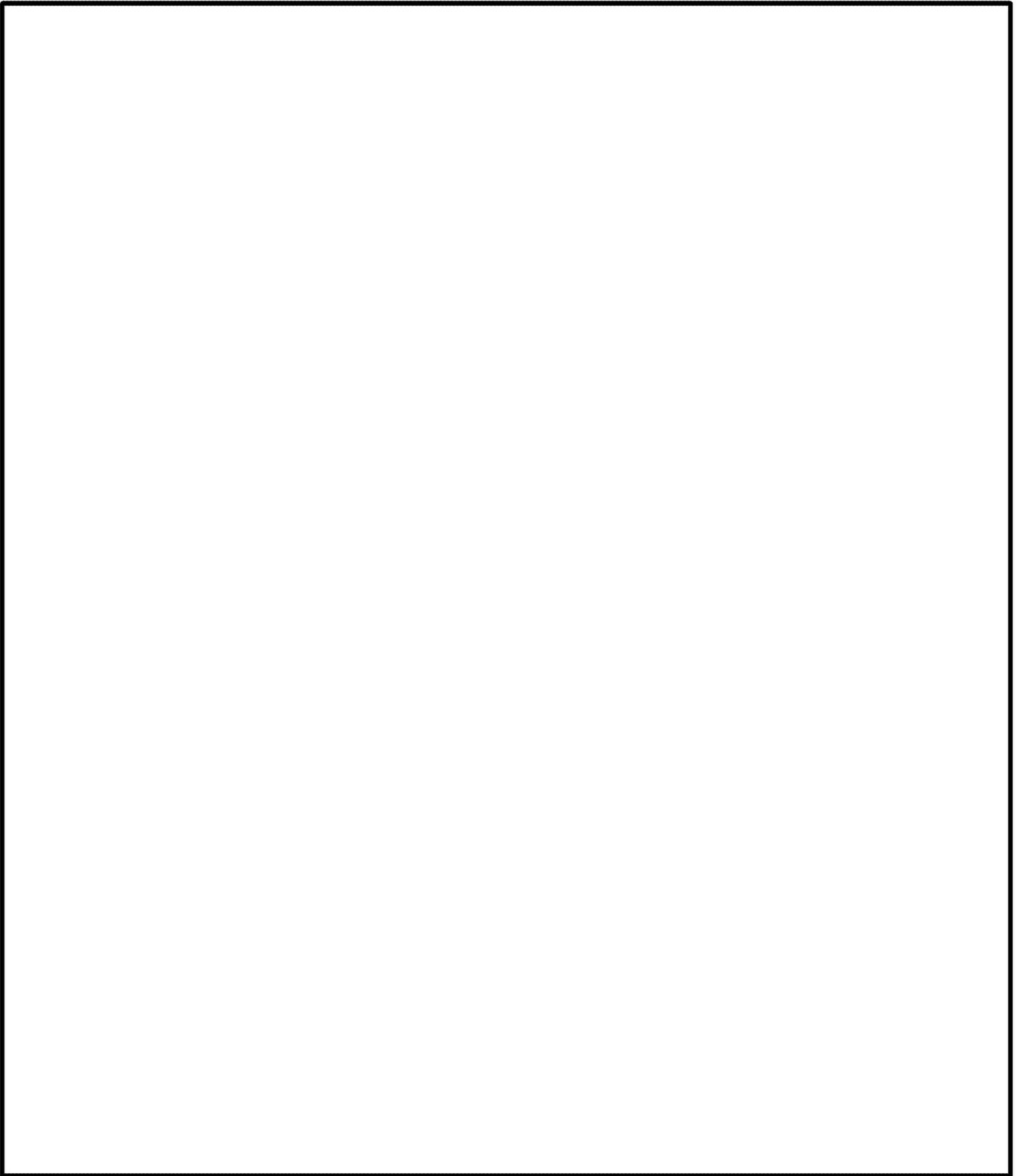
Tina Simmons
Student Intern
USCIS HQ FOD
111 Massachusetts Avenue Suite 2000
Washington, D.C. 20529
202-272-8651 office

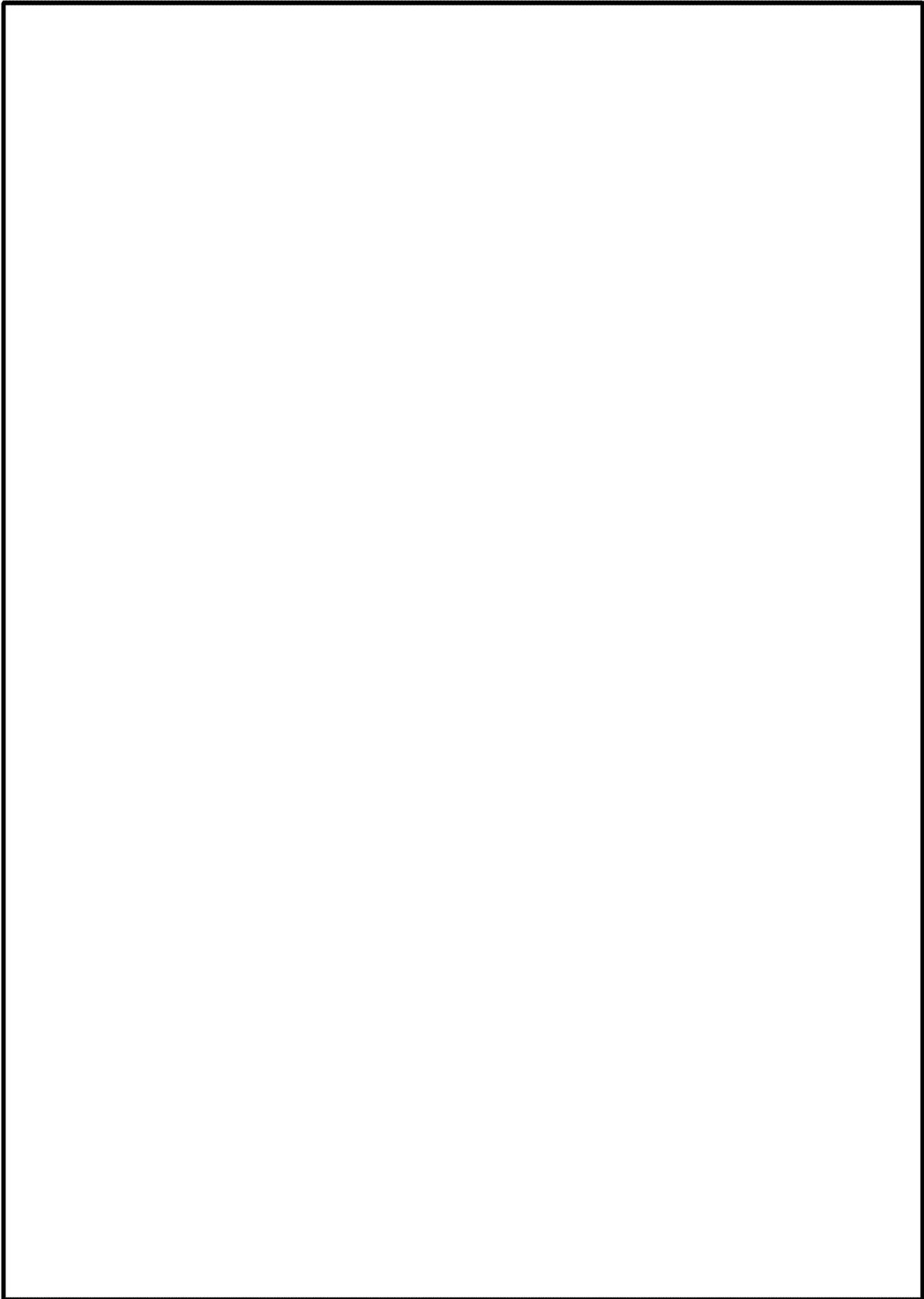
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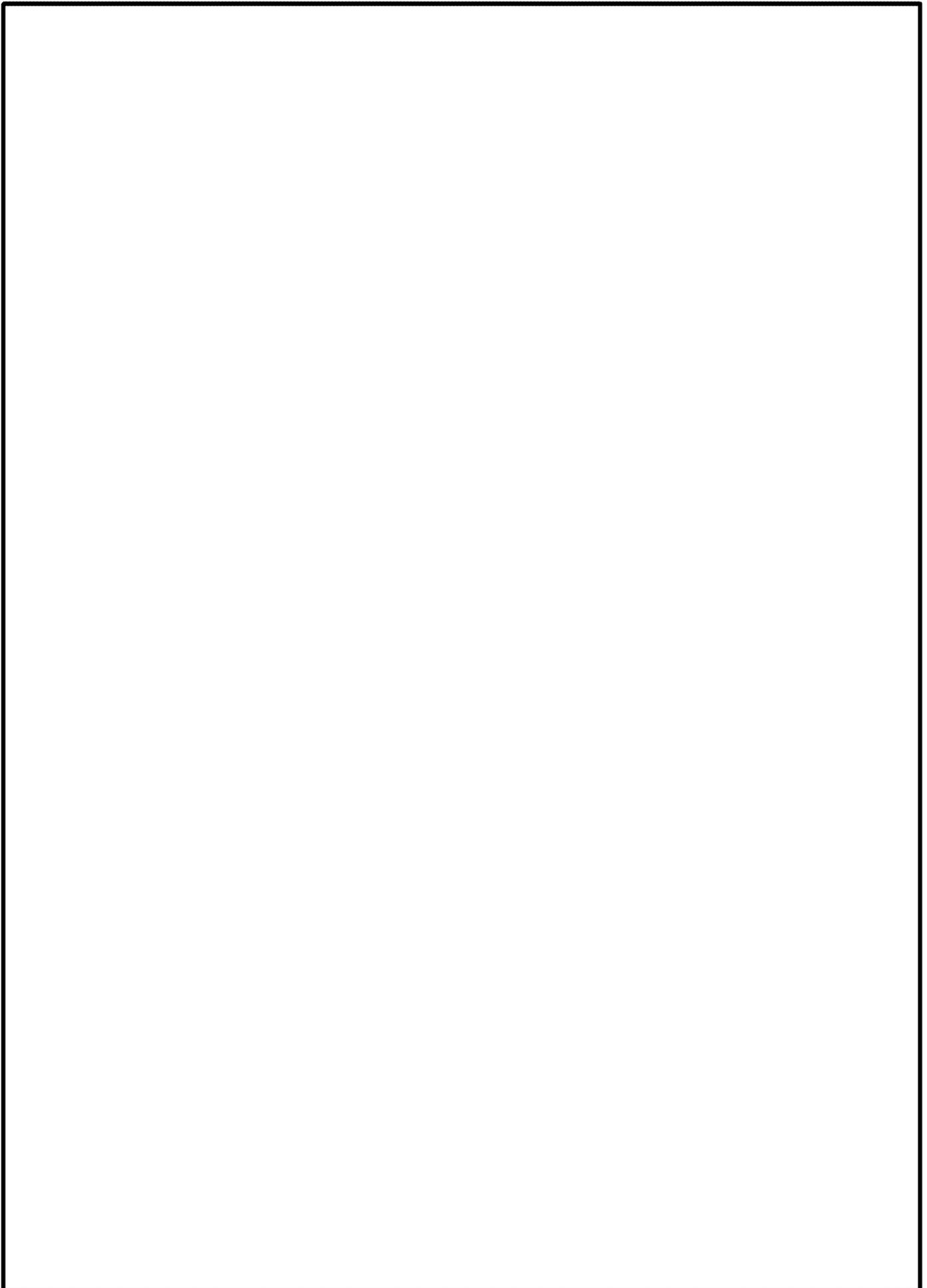
PART G – PUBLIC CHARGE

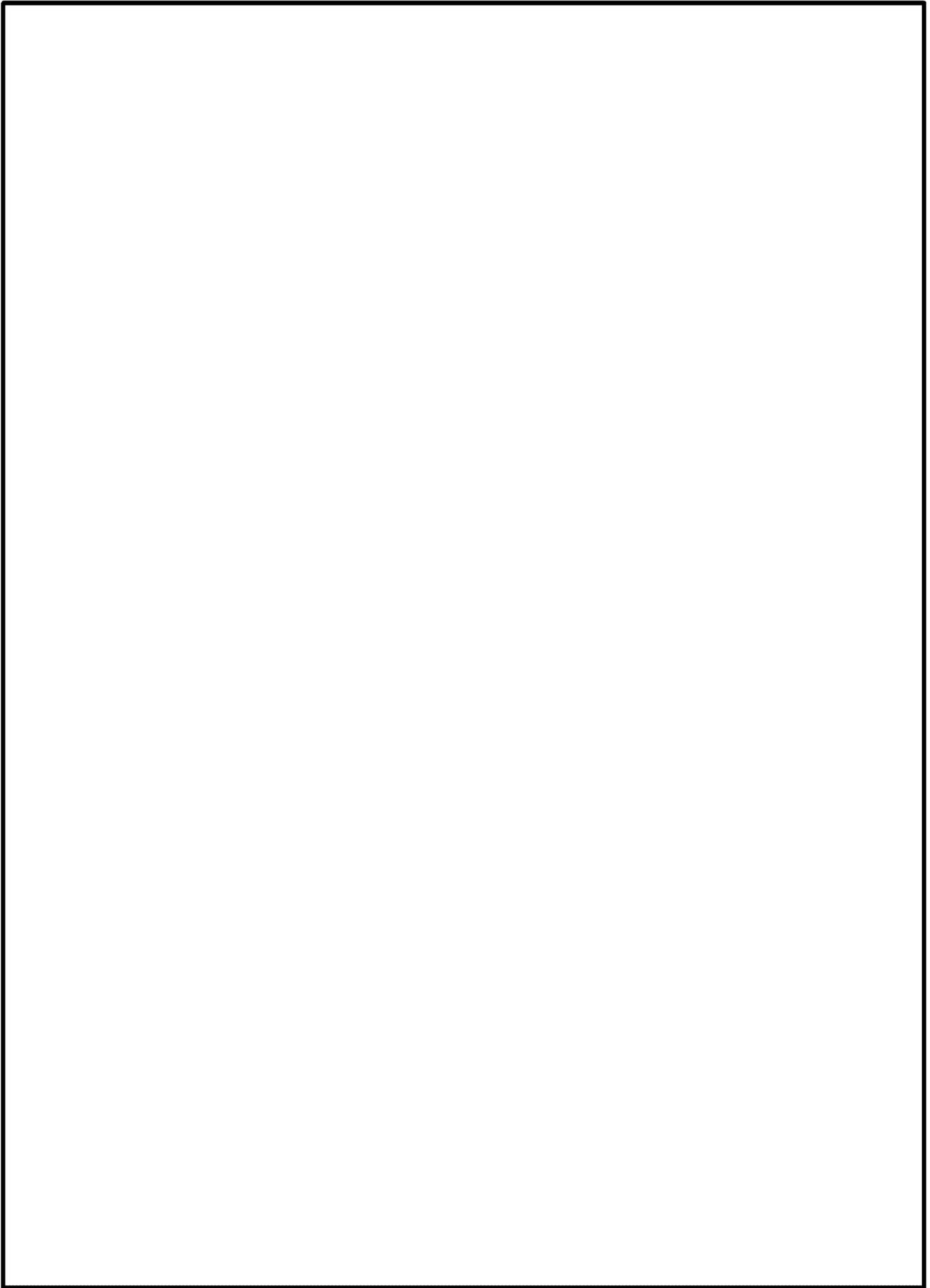


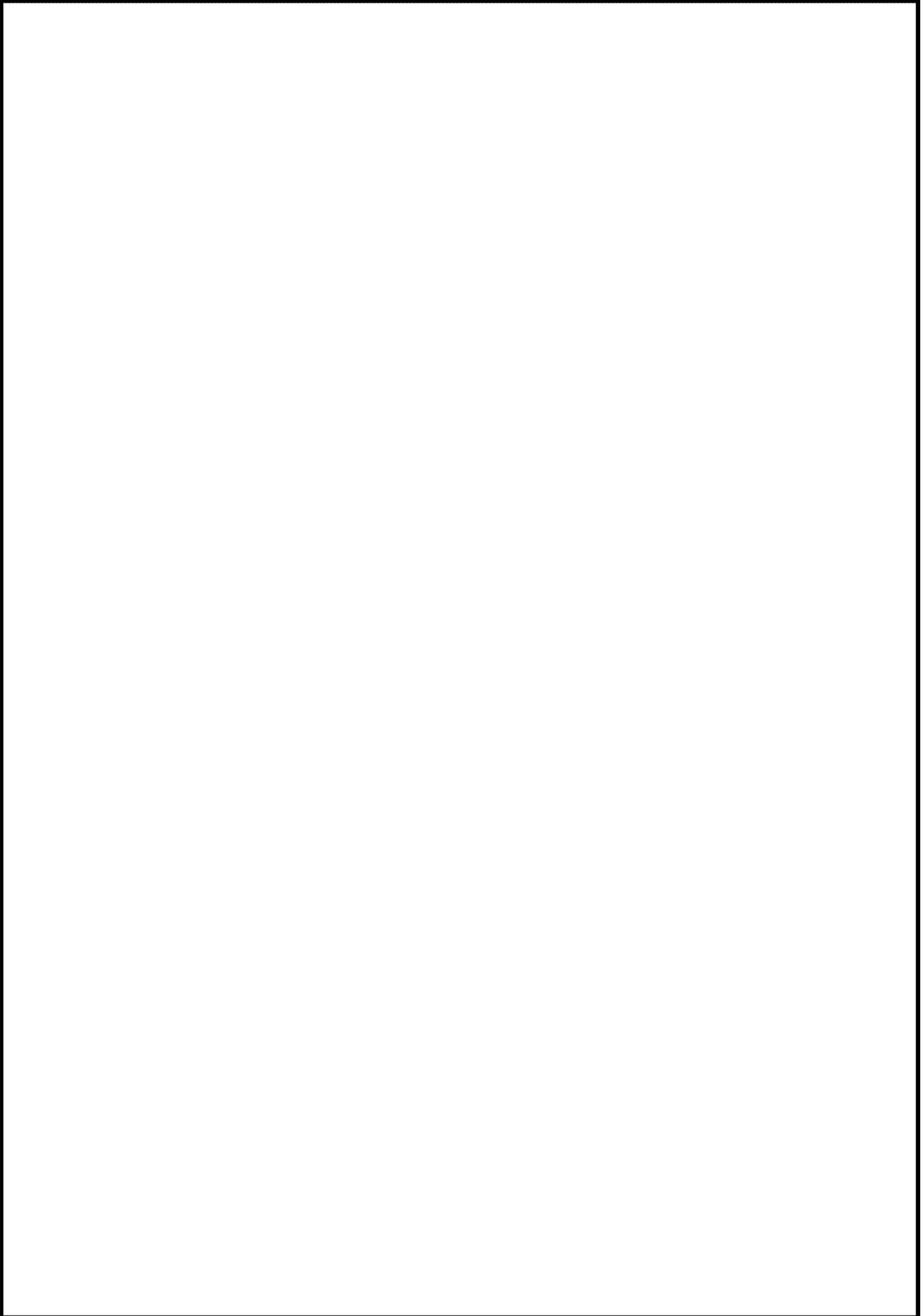


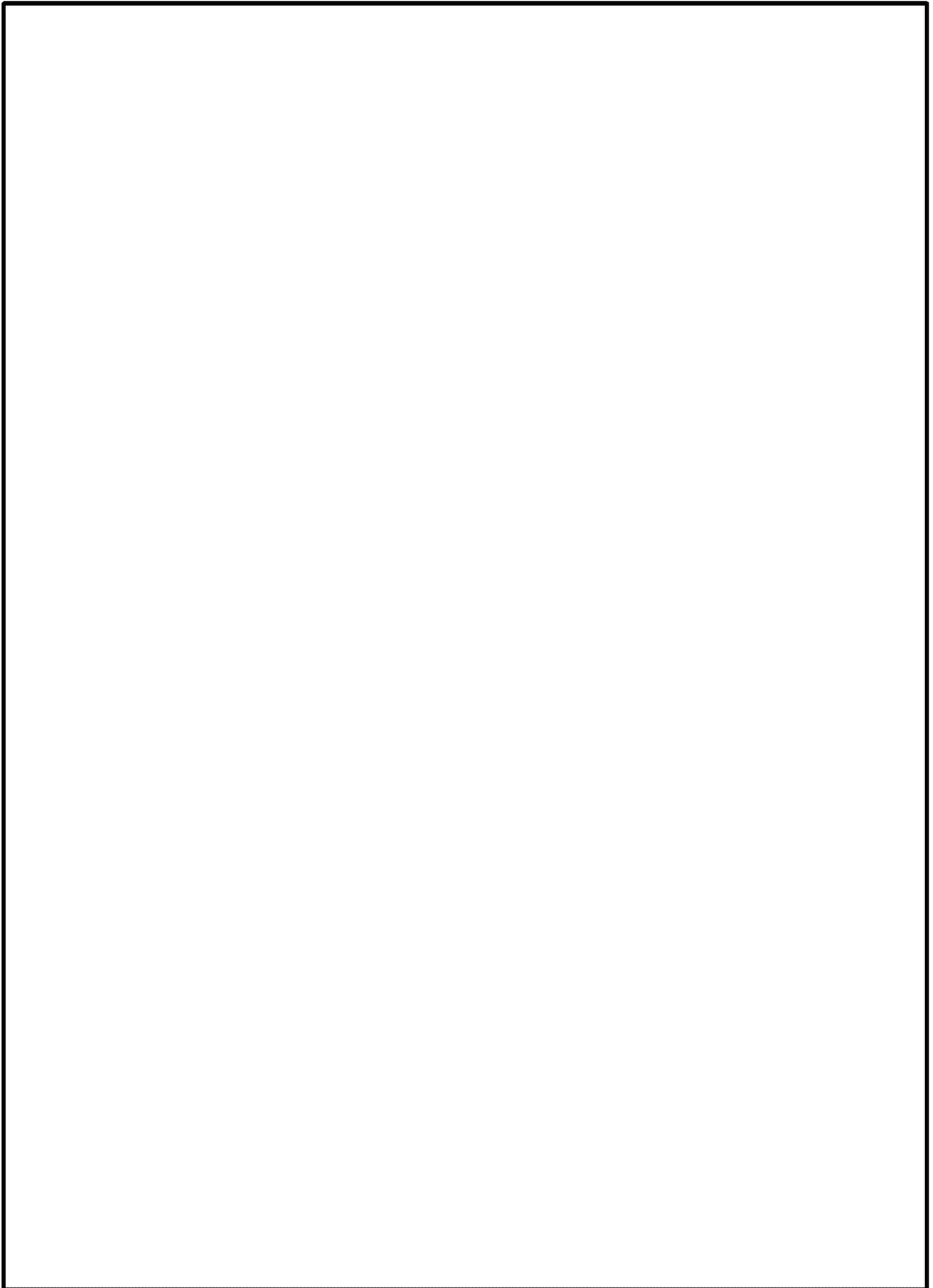


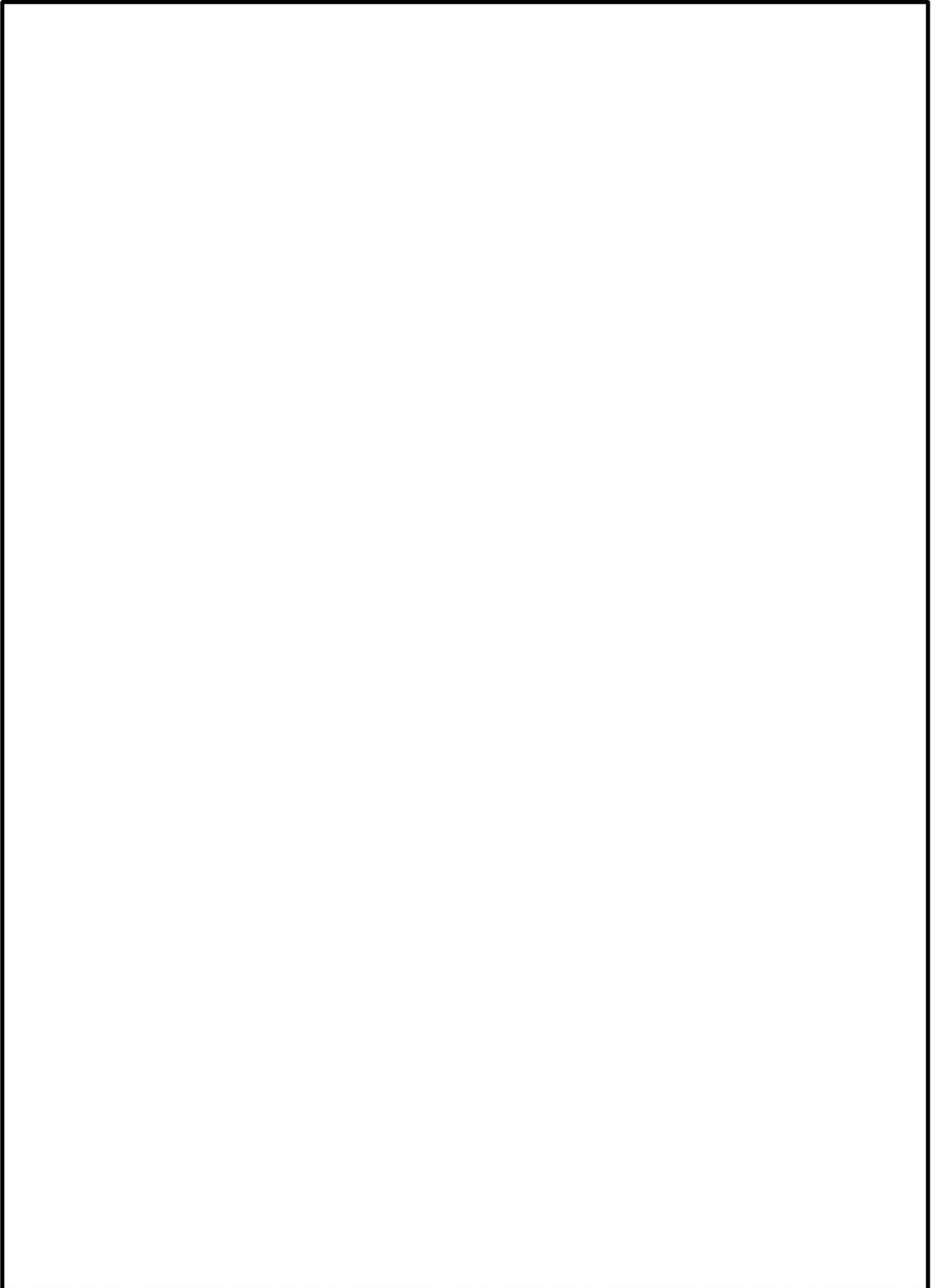


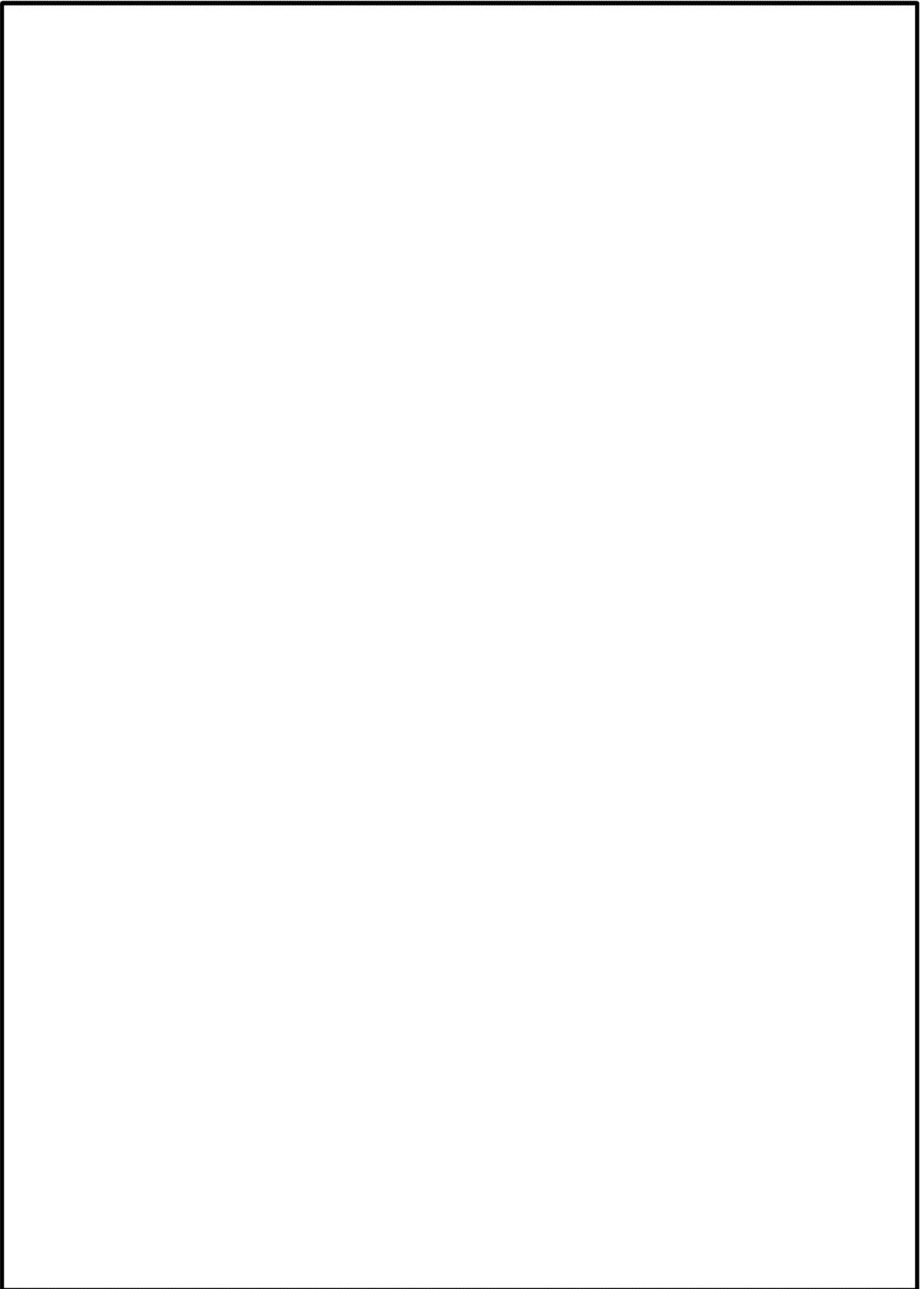












costs of institutionalization, the foreign national is considered primarily dependent on the government for subsistence.

A foreign national may receive some government assistance for care without being primarily dependent on the government, so long as the government contribution is not more than half of the costs of care.

Example

A foreign national pays for 30 percent of the long-term care, receives 30 percent from a government entity, and a private charity funds the remaining 40 percent. The foreign national is not primarily dependent on the government, and therefore not inadmissible as a public charge.

A determination that government funds are the primary source of coverage for the foreign national's institutionalization for long-term care does not end the public charge inquiry. The officer must consider the totality of the applicant's circumstances to determine whether he or she is inadmissible as a public charge.³⁴

2. Long-Term Institutionalization

In order for institutionalization to constitute primary dependence for purposes of the public charge determination, the institutionalization must be long-term. Institutionalization for short-term rehabilitation purposes does not constitute primary dependence and therefore would not, by itself, lead to a public charge finding.

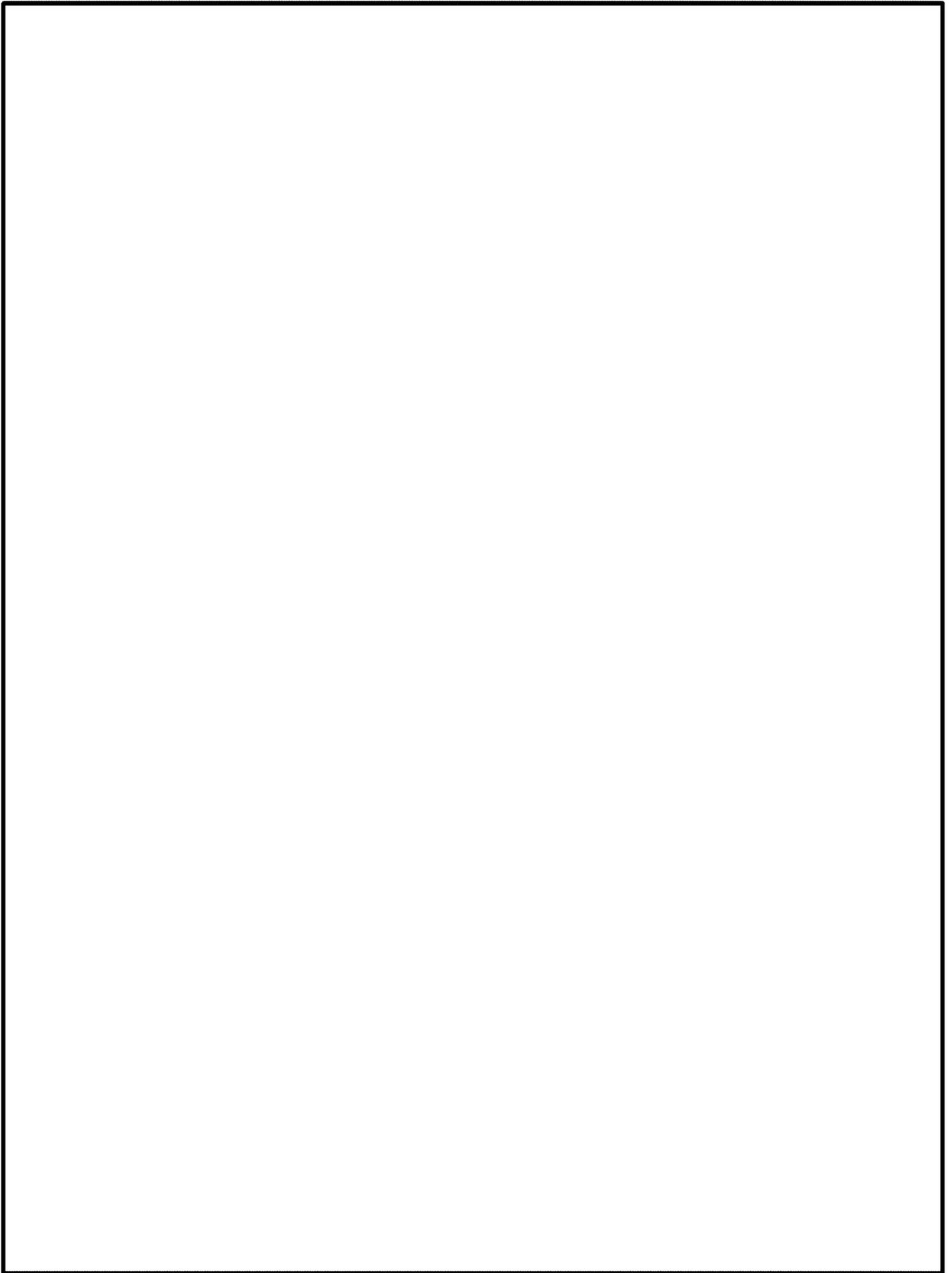
Likewise, a foreign national discharged from institutionalization for long-term care or who can provide evidence of the likelihood of recovery from long-term care may not be inadmissible based on public charge.

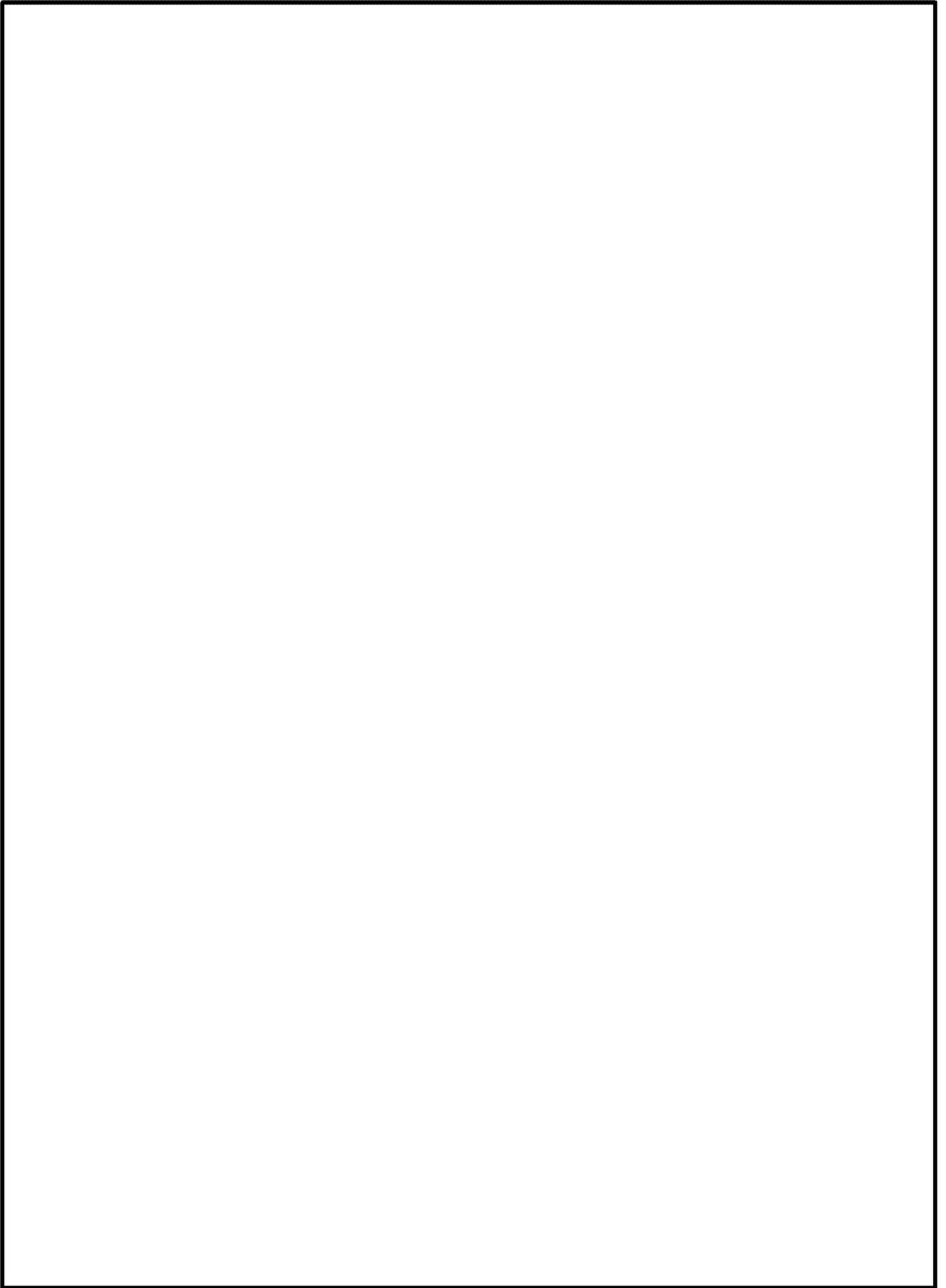
Imprisonment for conviction of a crime does not constitute institutionalization for long-term care for public charge determinations.

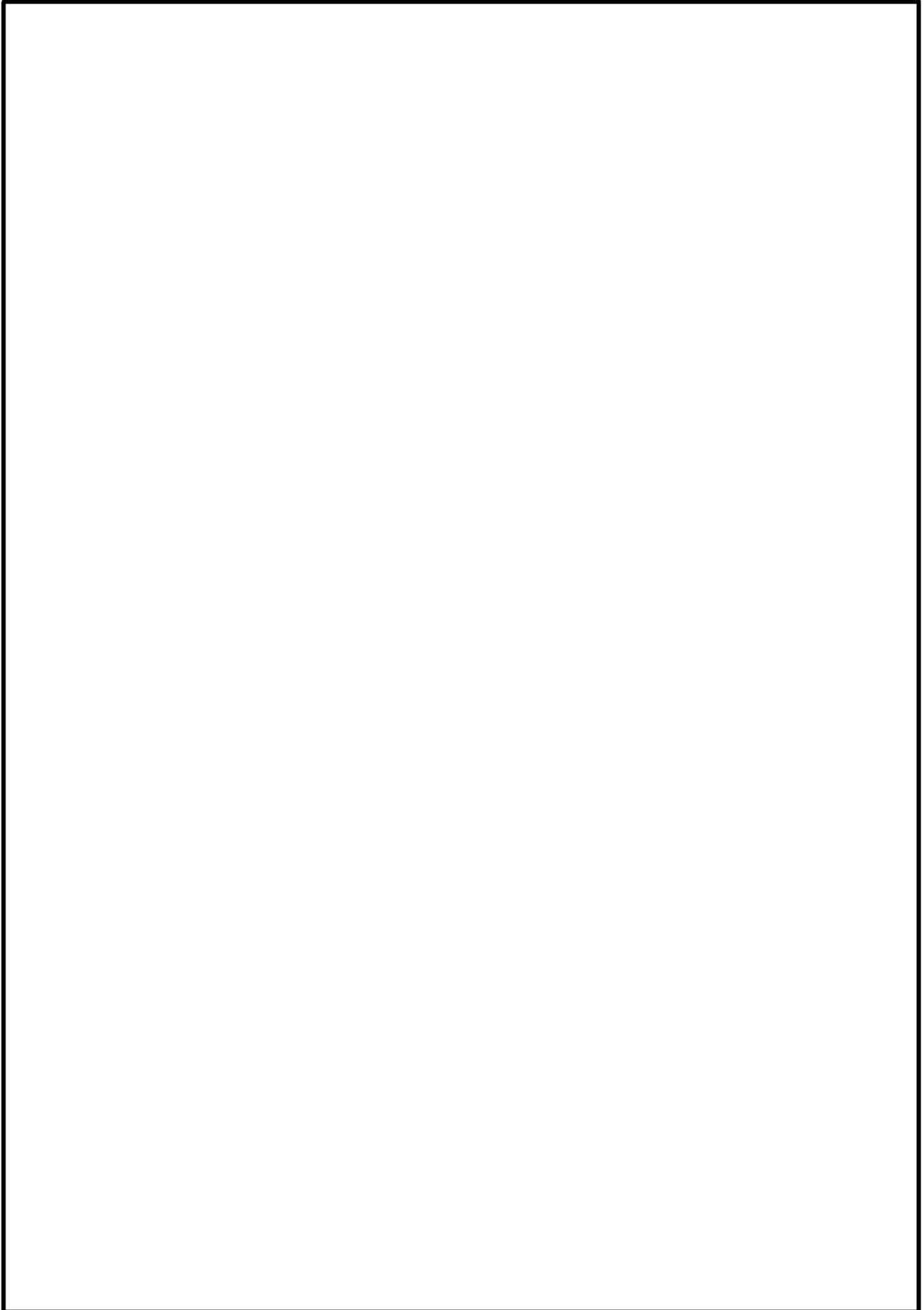
Chapter 3. Public Charge Inadmissibility Determination

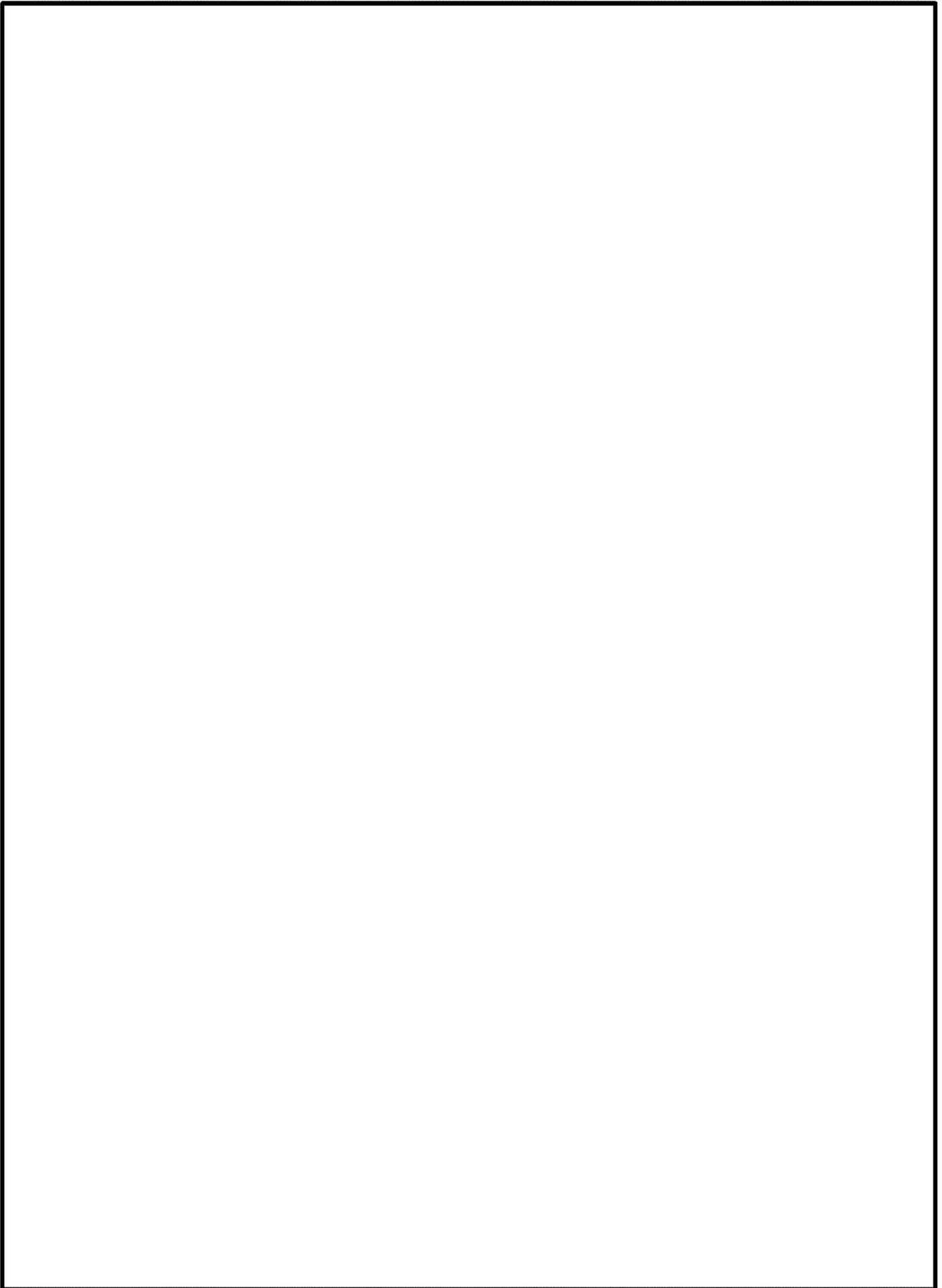
A foreign national is inadmissible based on public charge grounds if the foreign national is more likely than not to become primarily dependent on the government for subsistence, as demonstrated by the receipt of public cash assistance or institutionalization for long-term care at government expense.

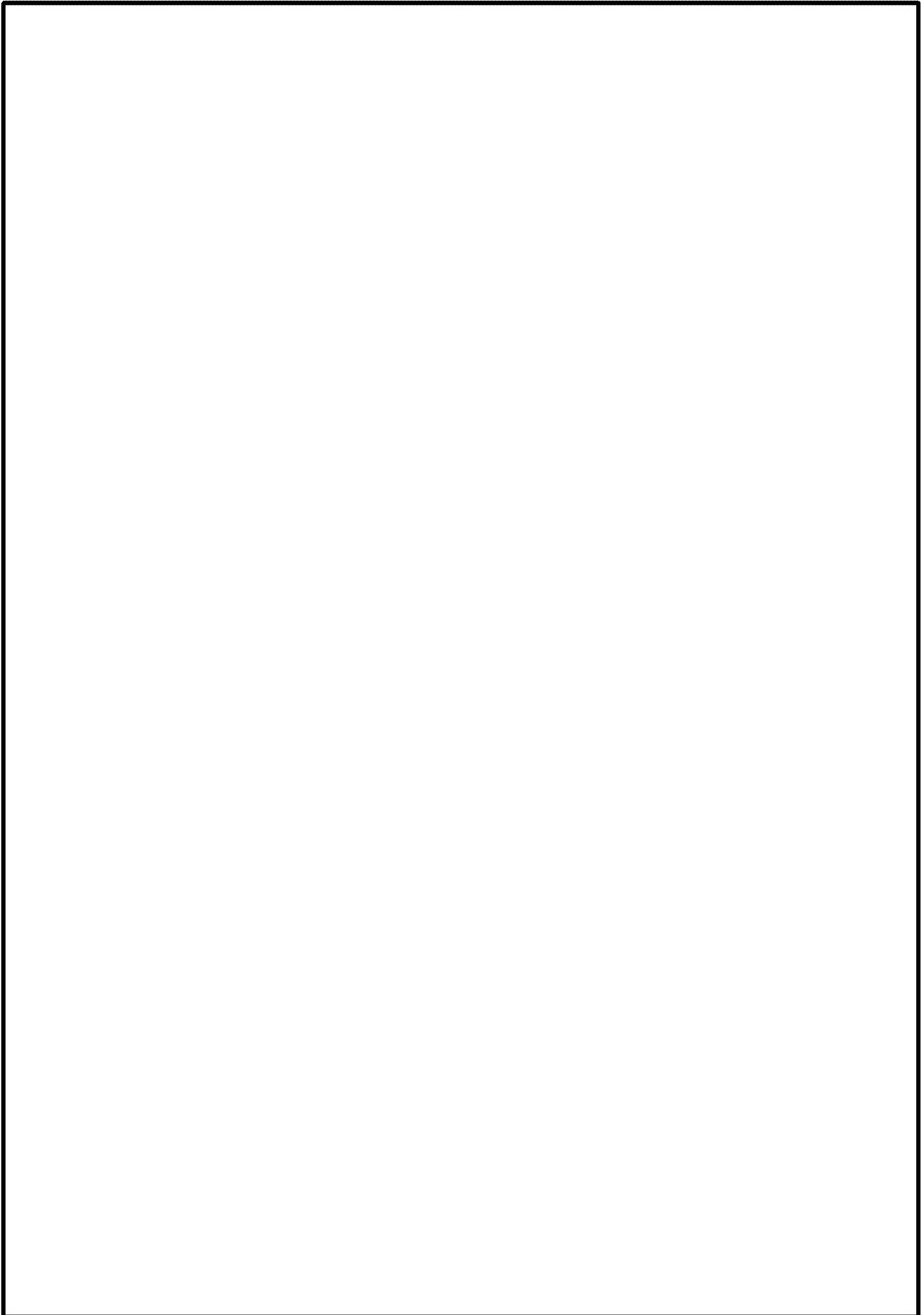
³⁴ For more on public charge determinations, see Chapter 3, Public Charge Inadmissibility Determination [8 USCIS-PM G.3].

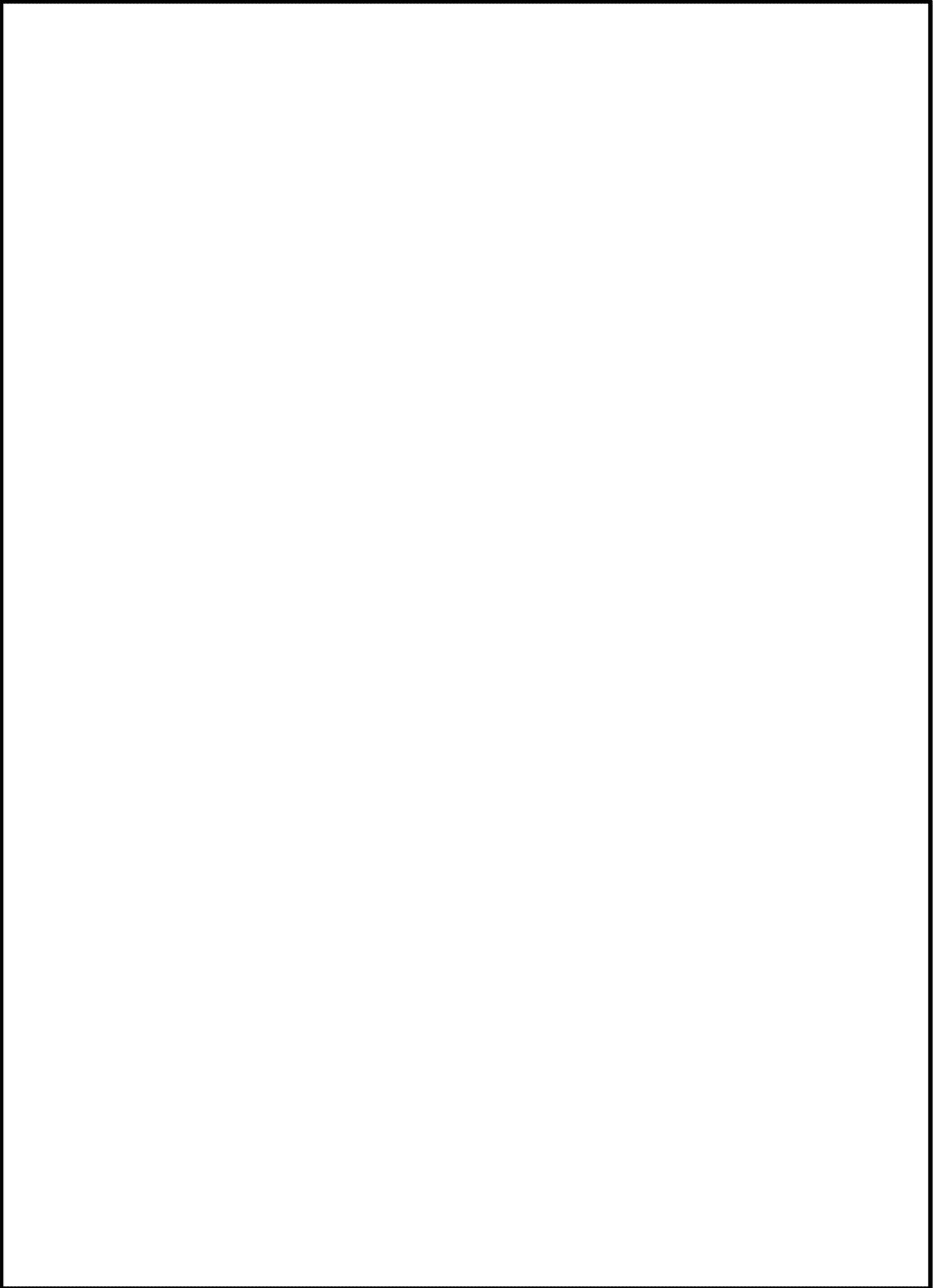


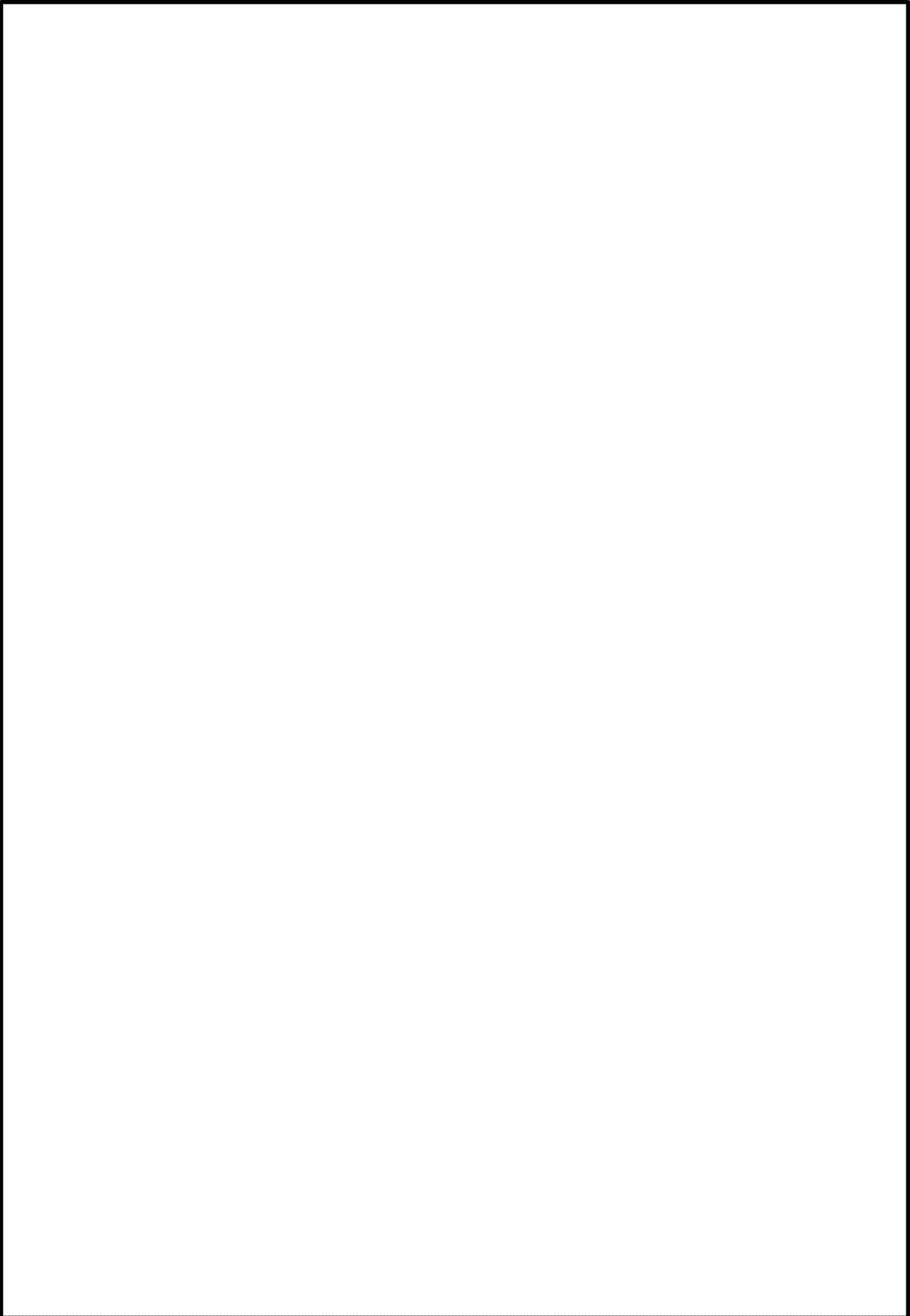


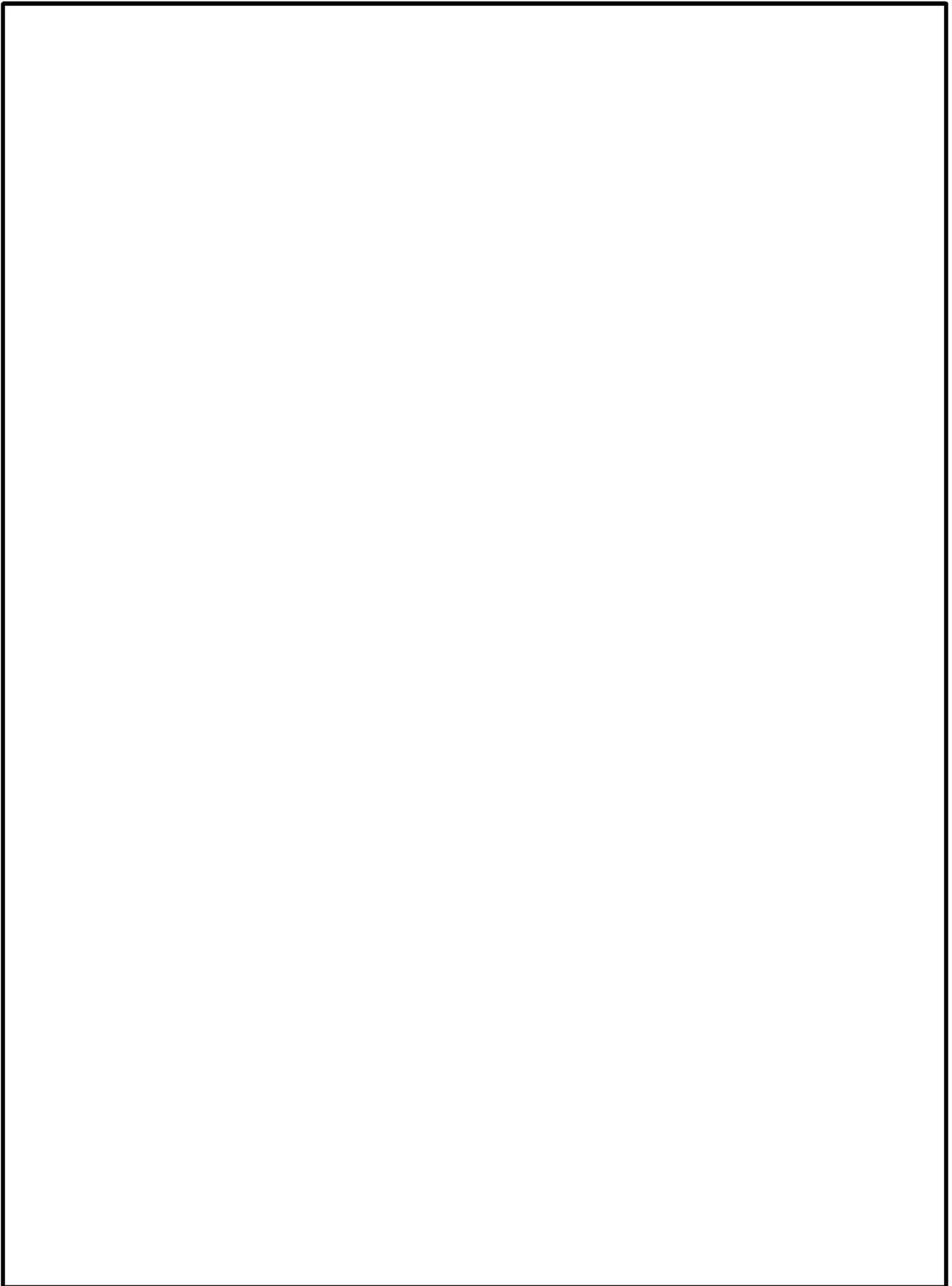


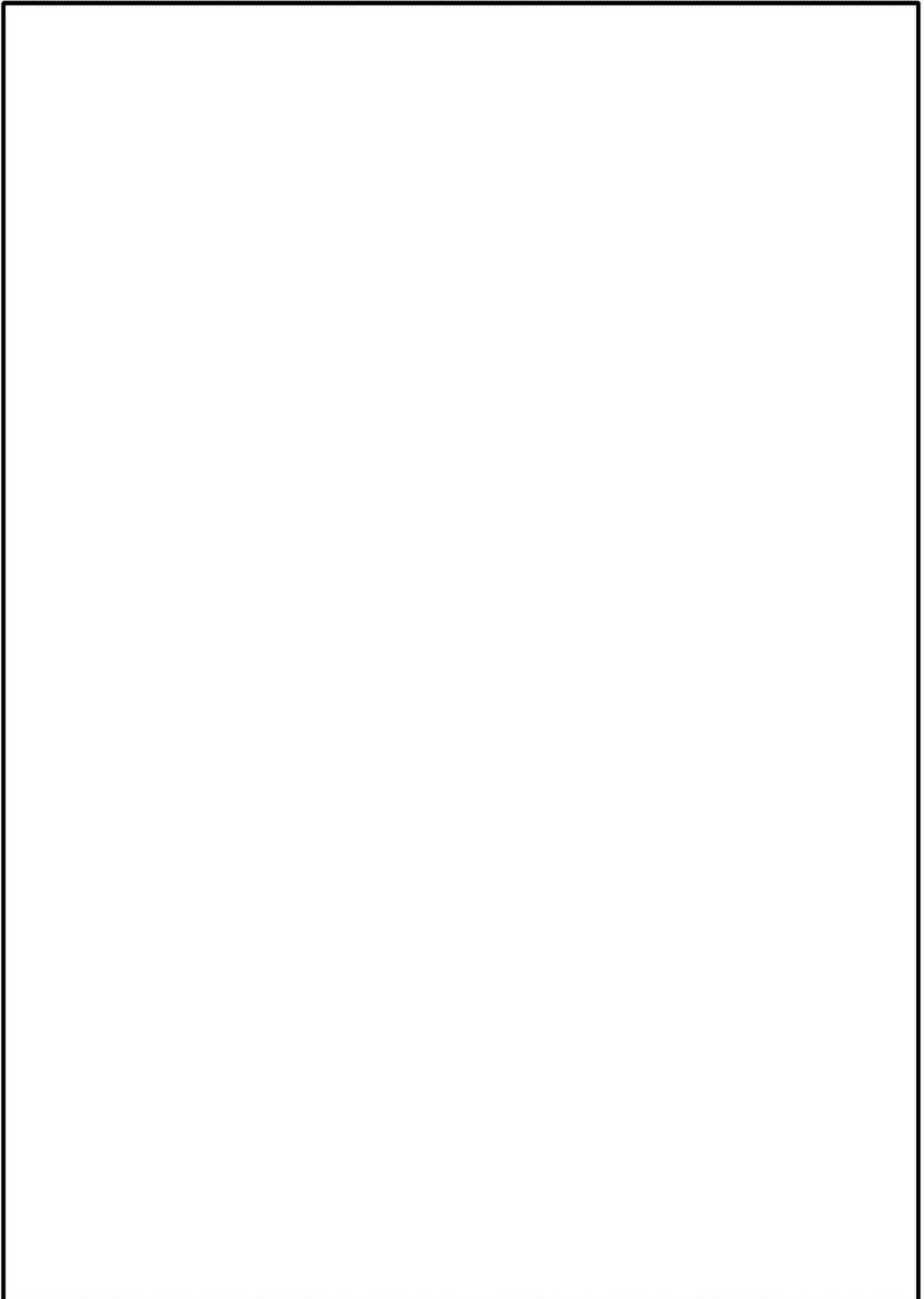


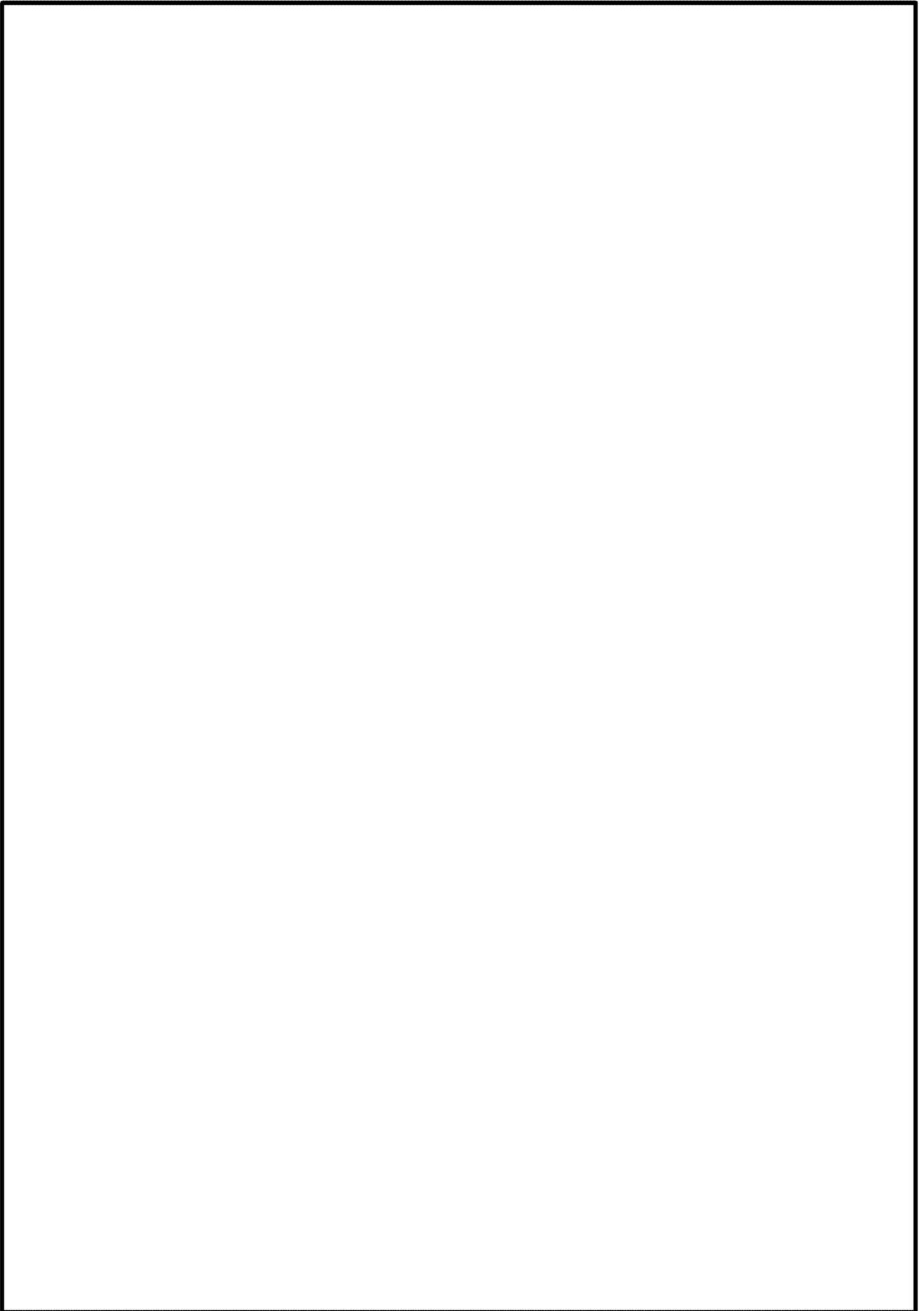


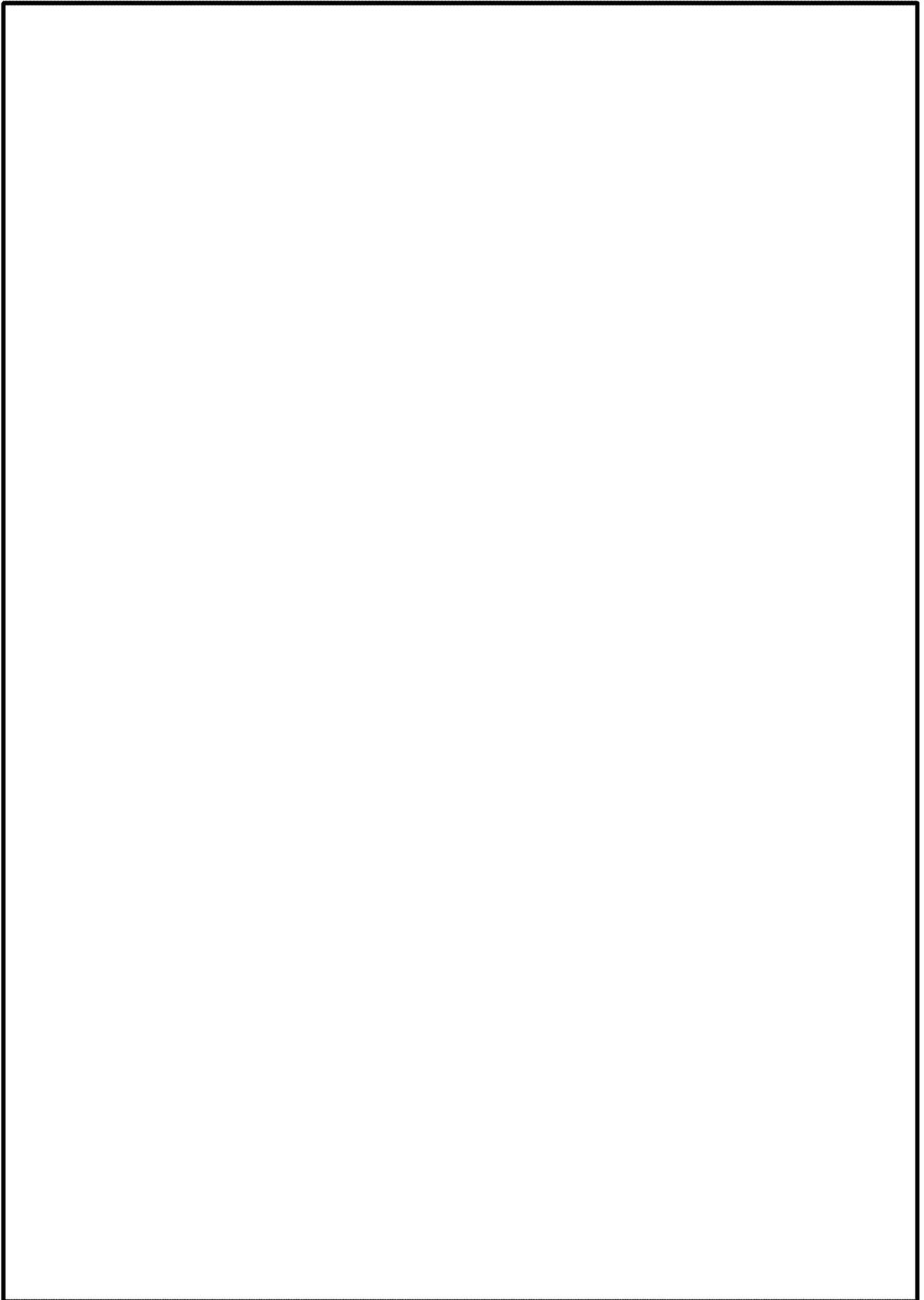


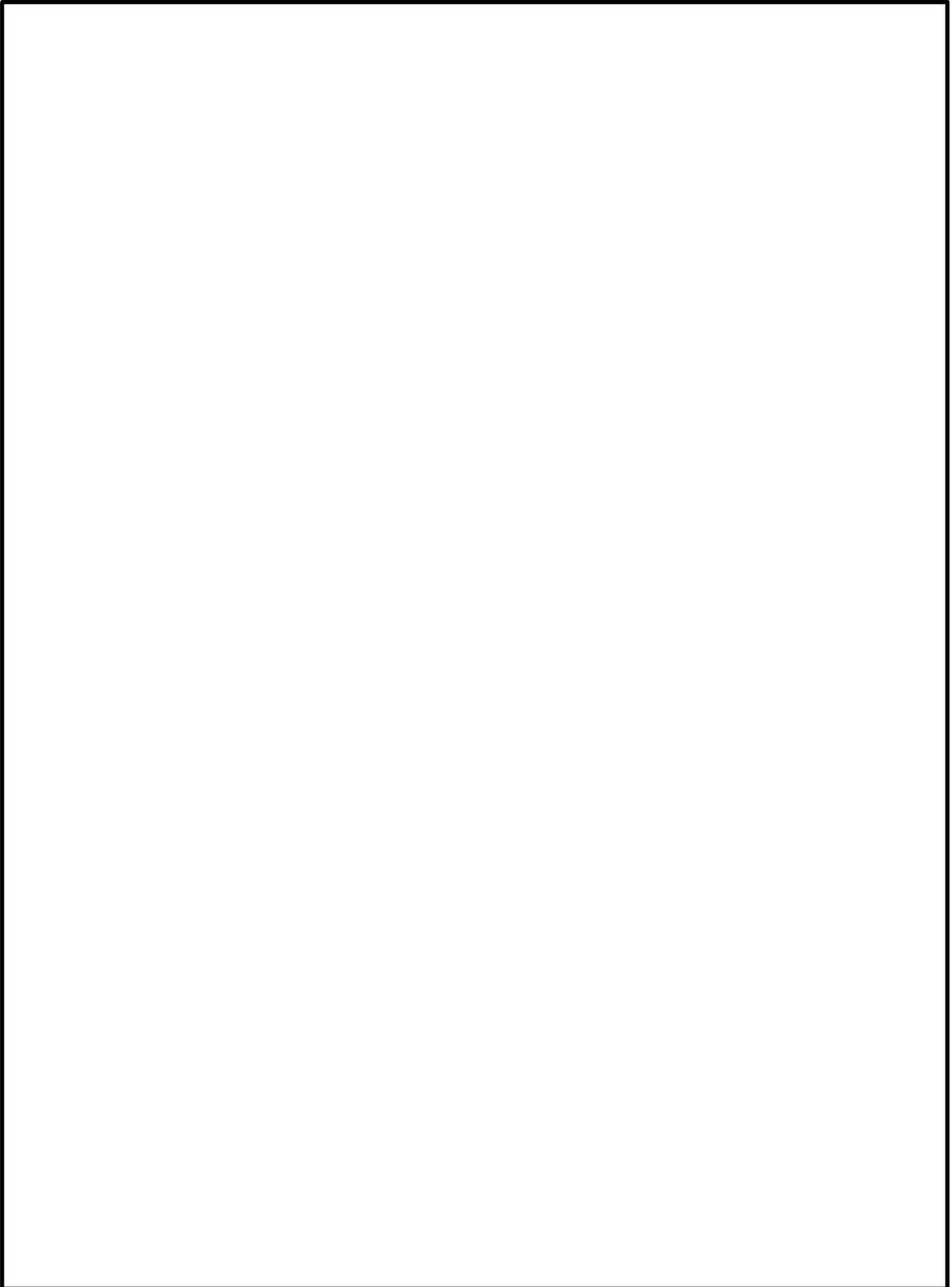


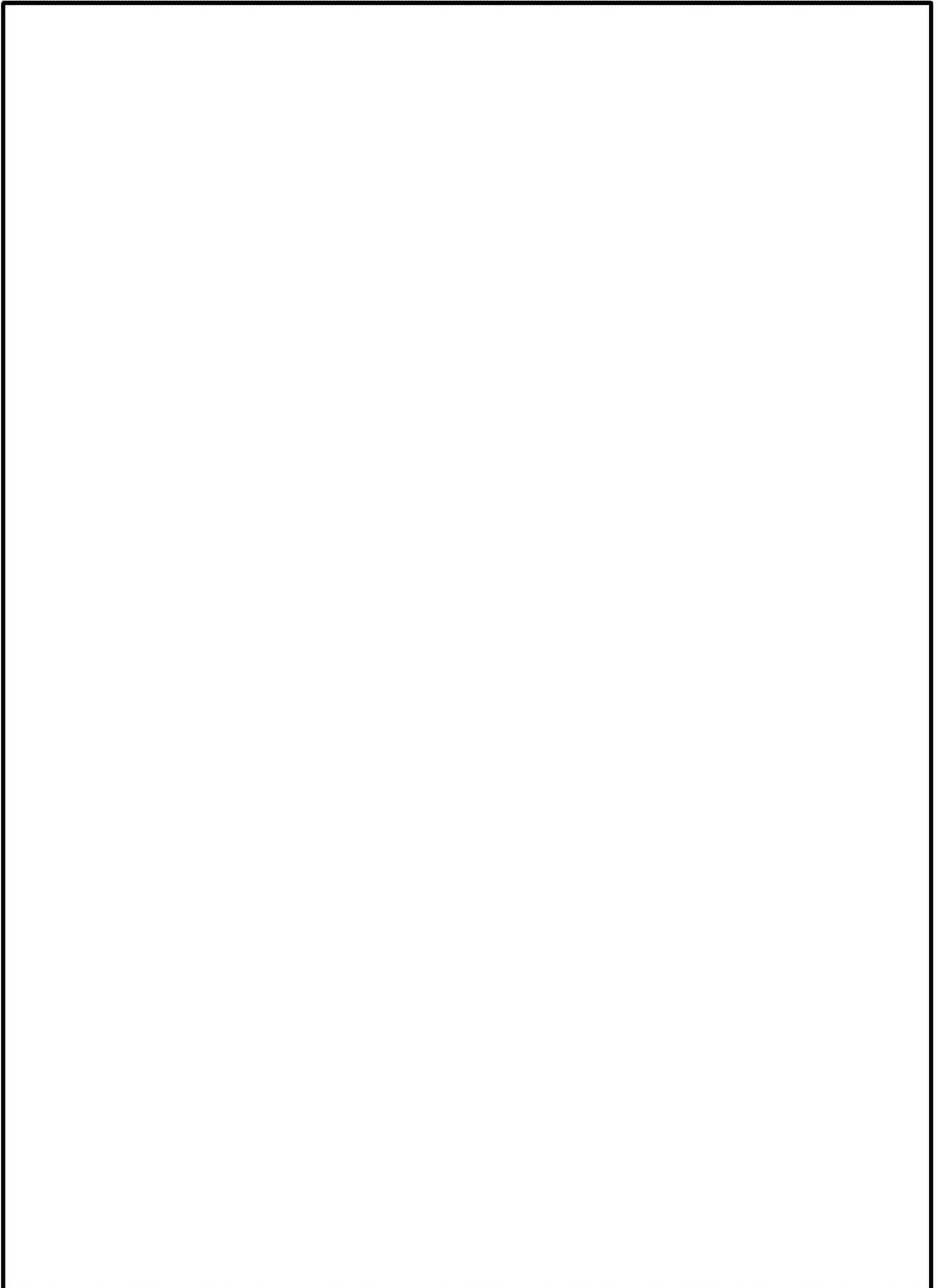


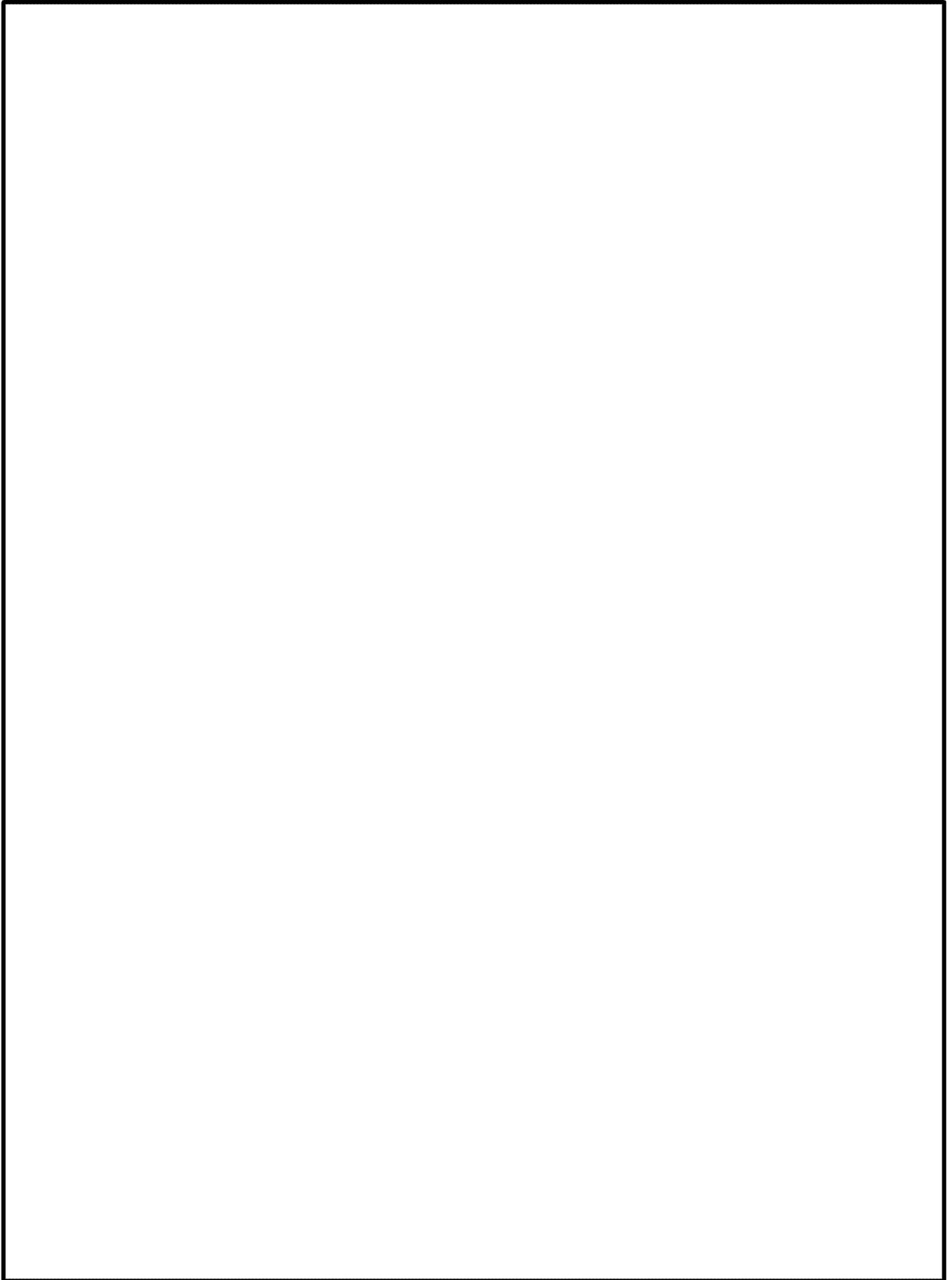


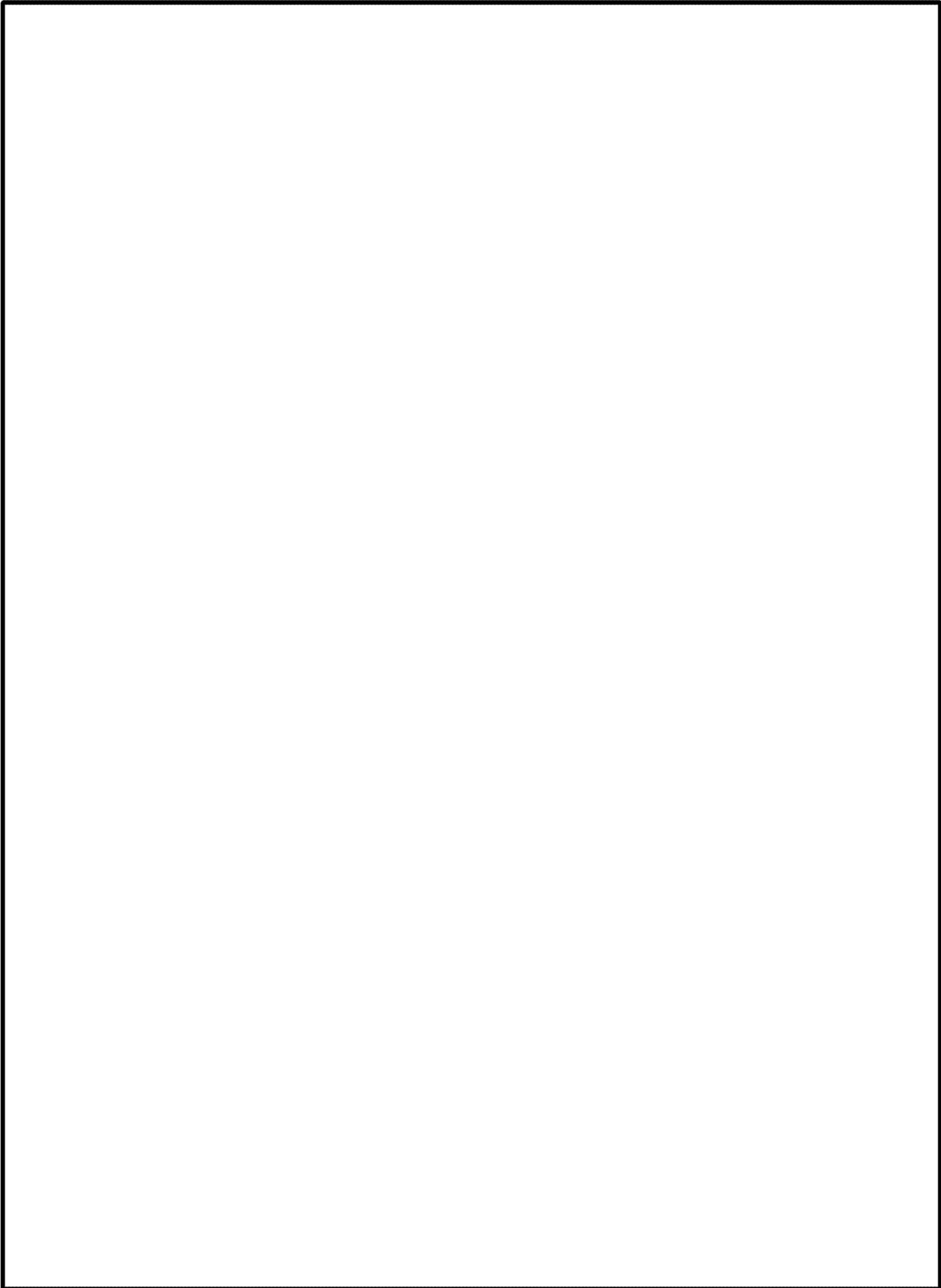


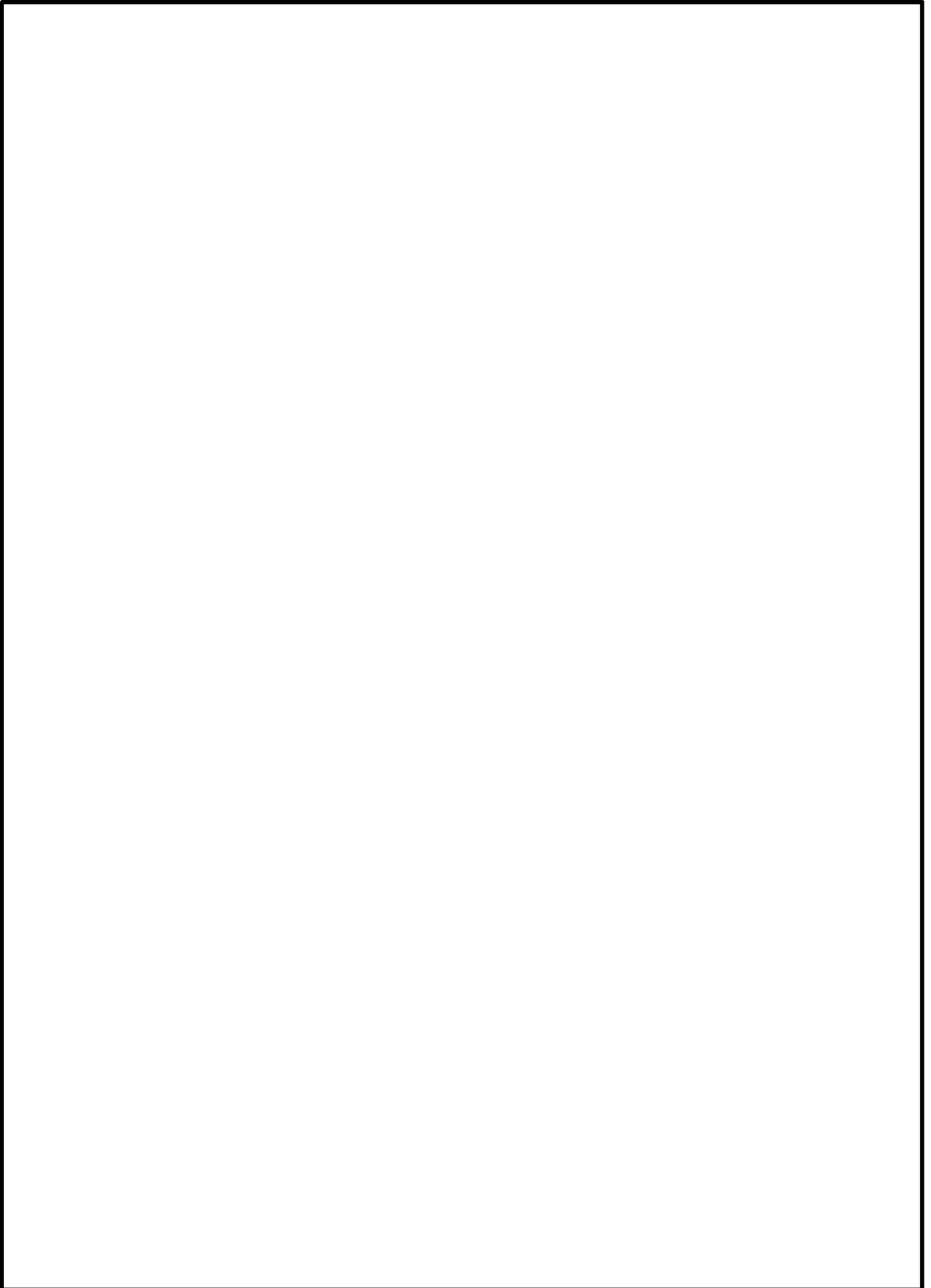


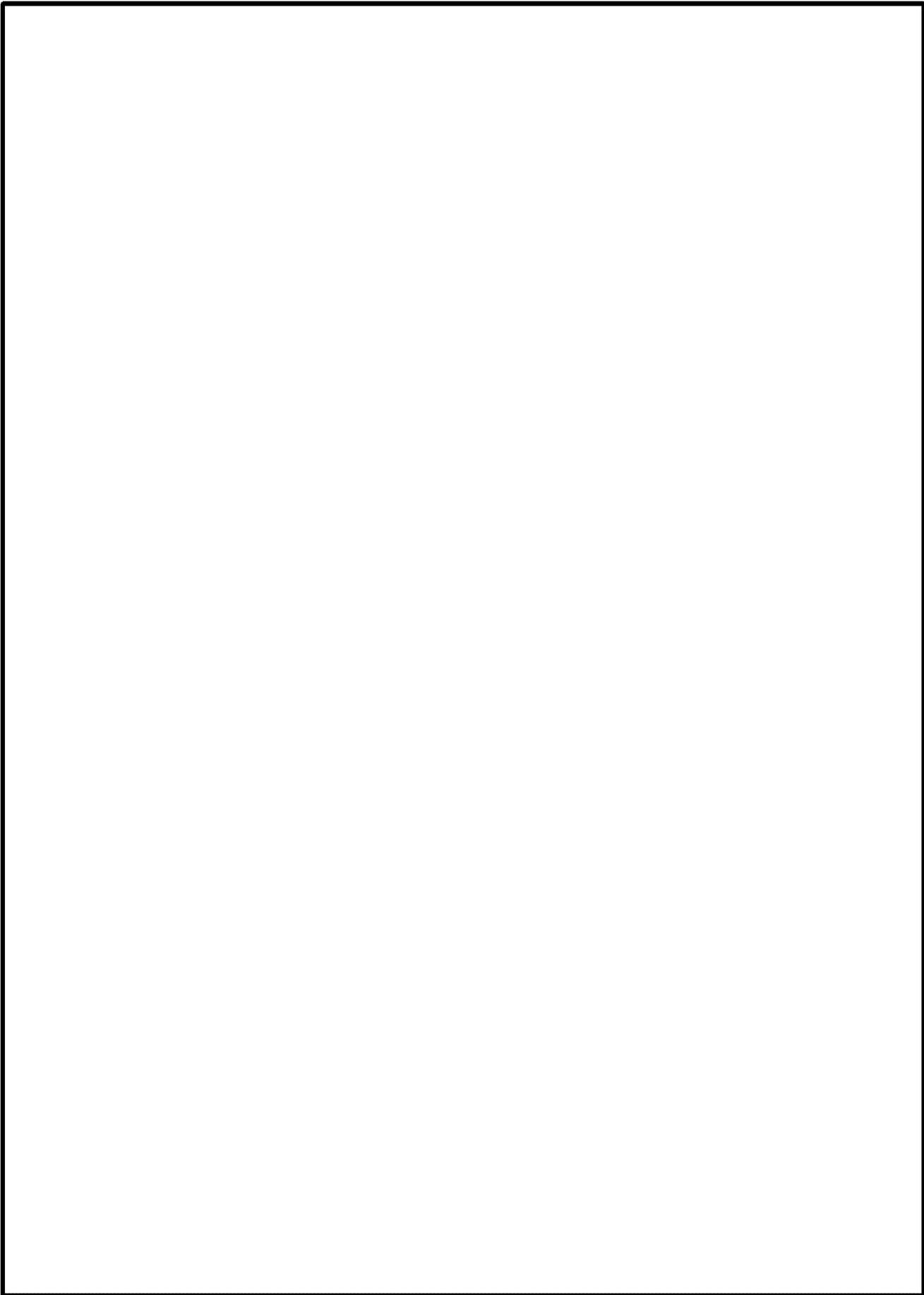


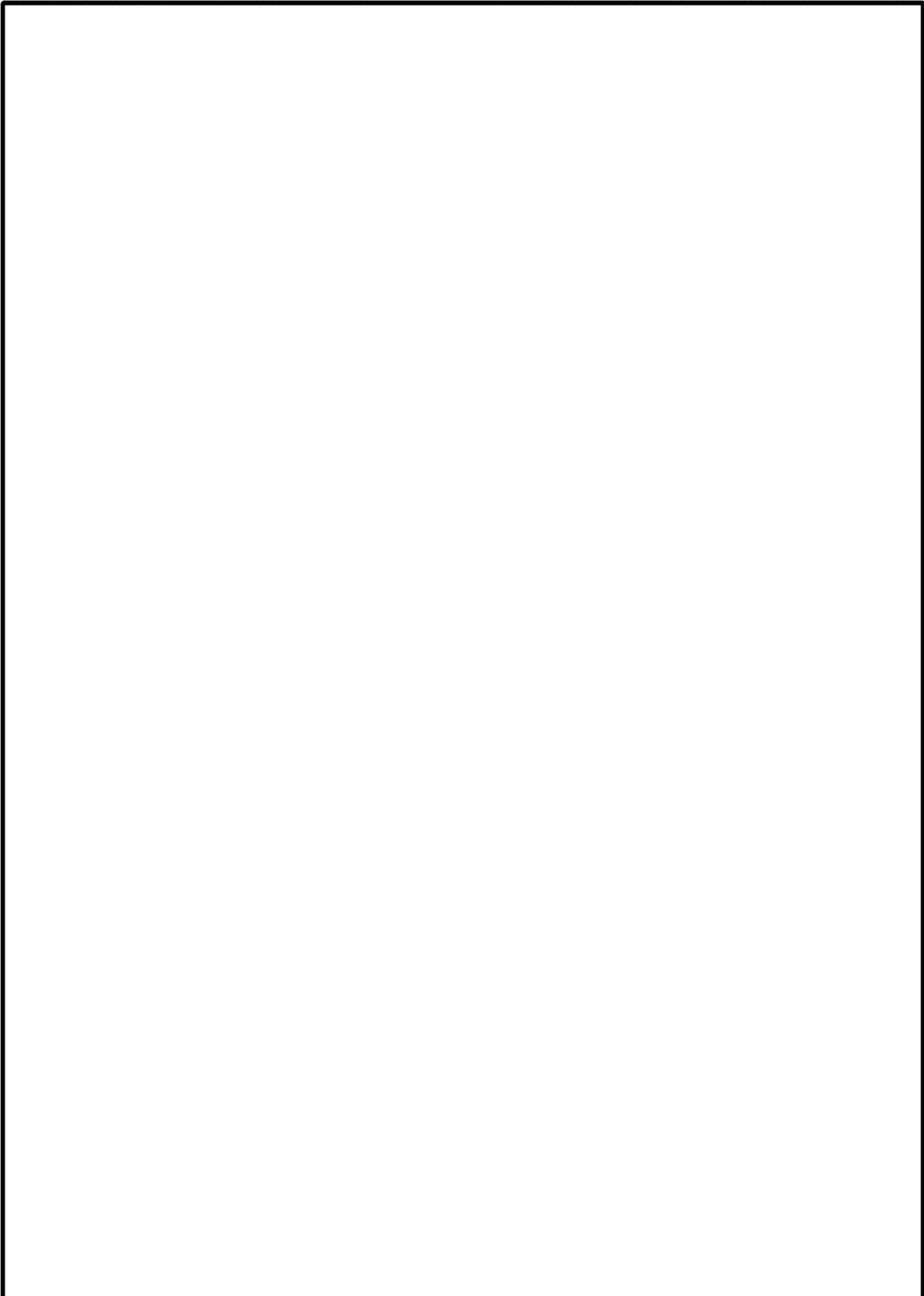


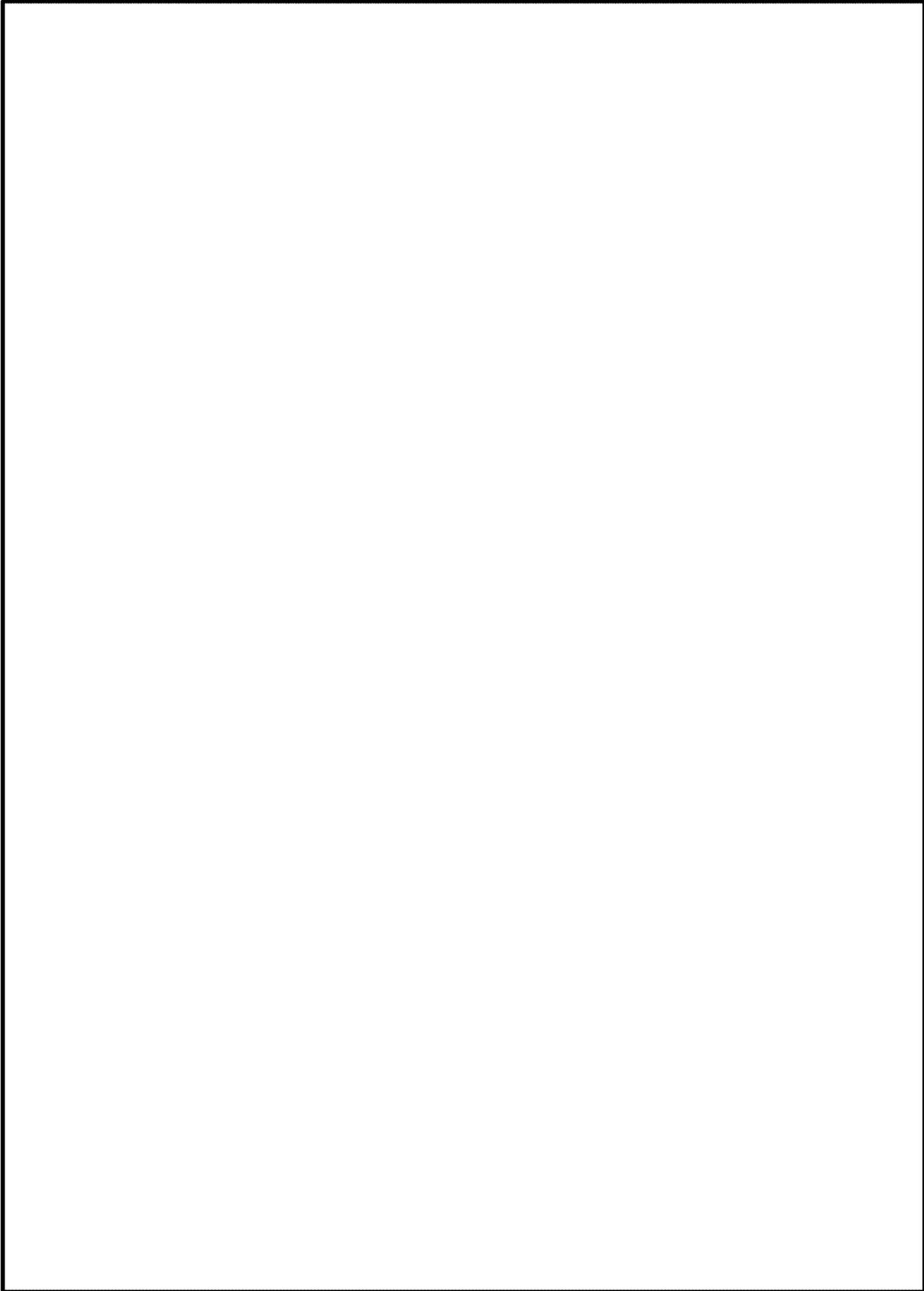


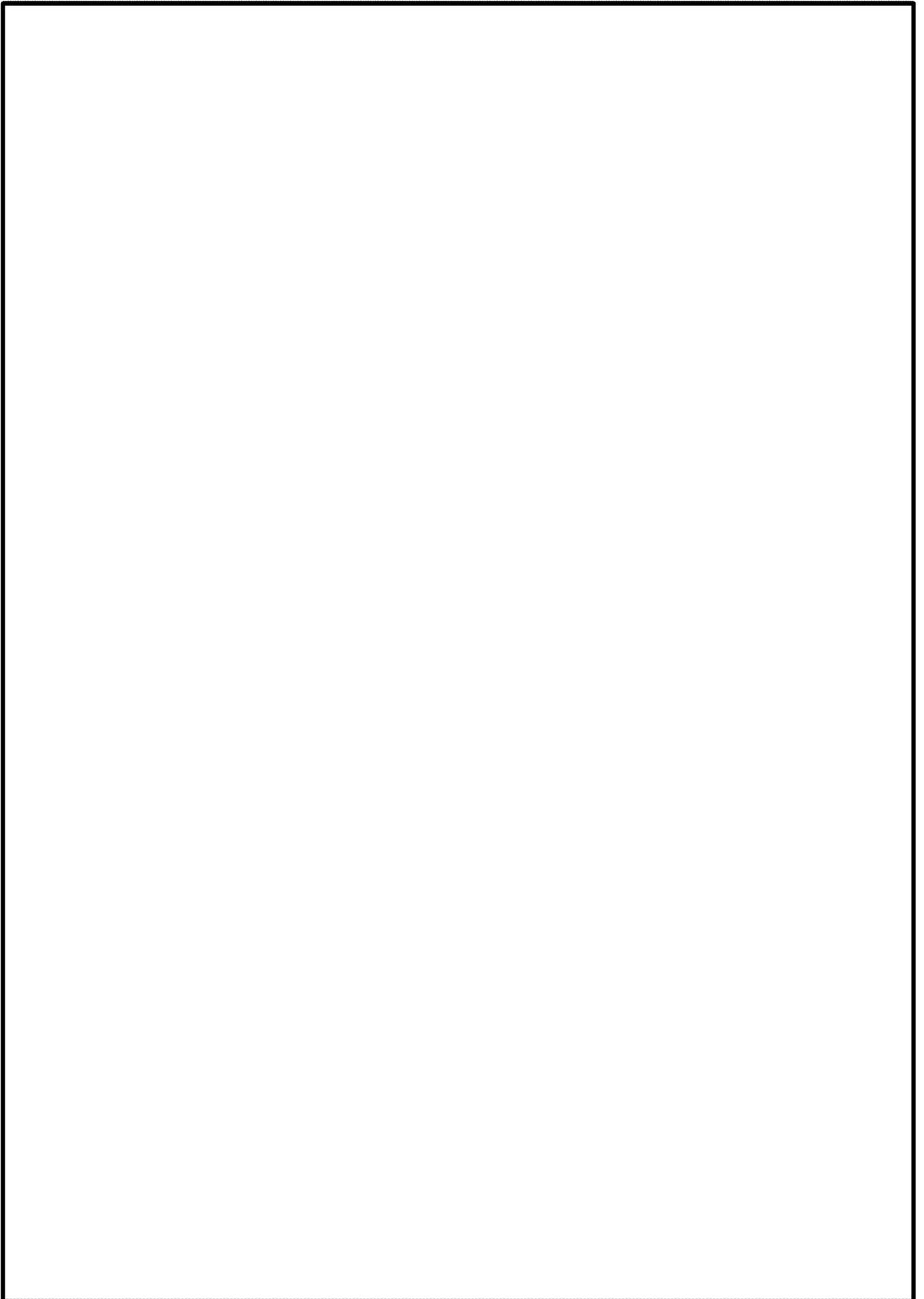


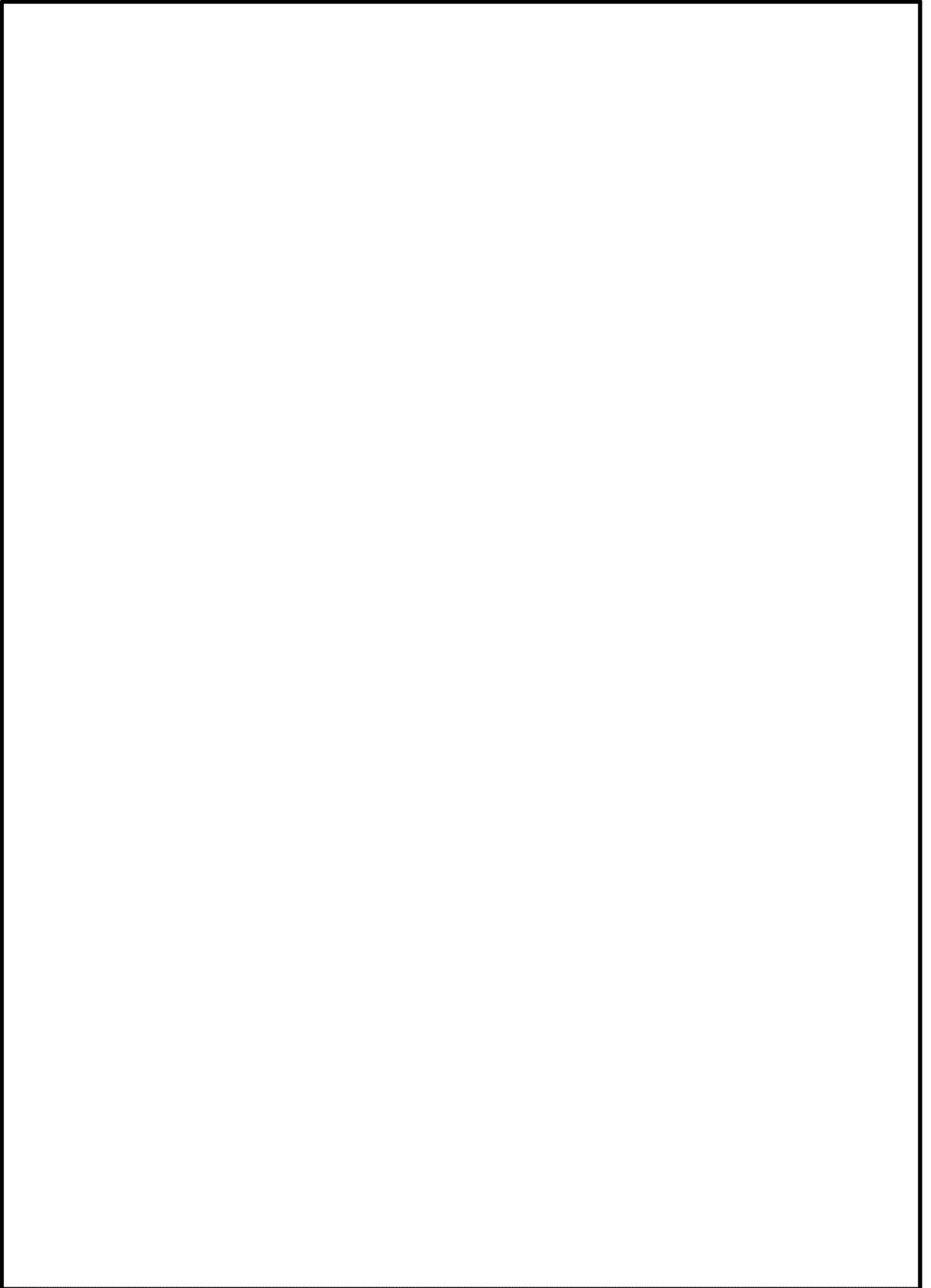


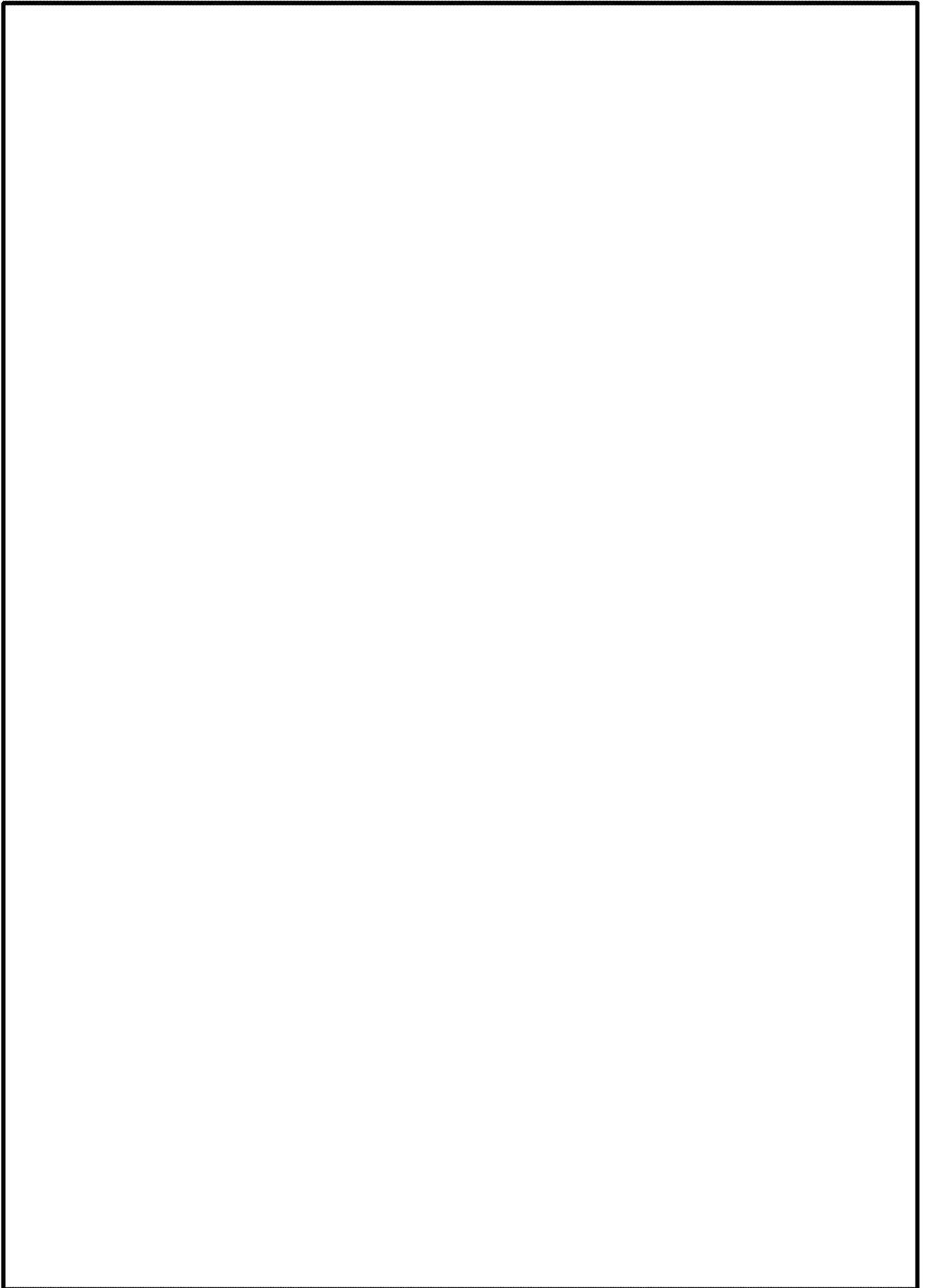


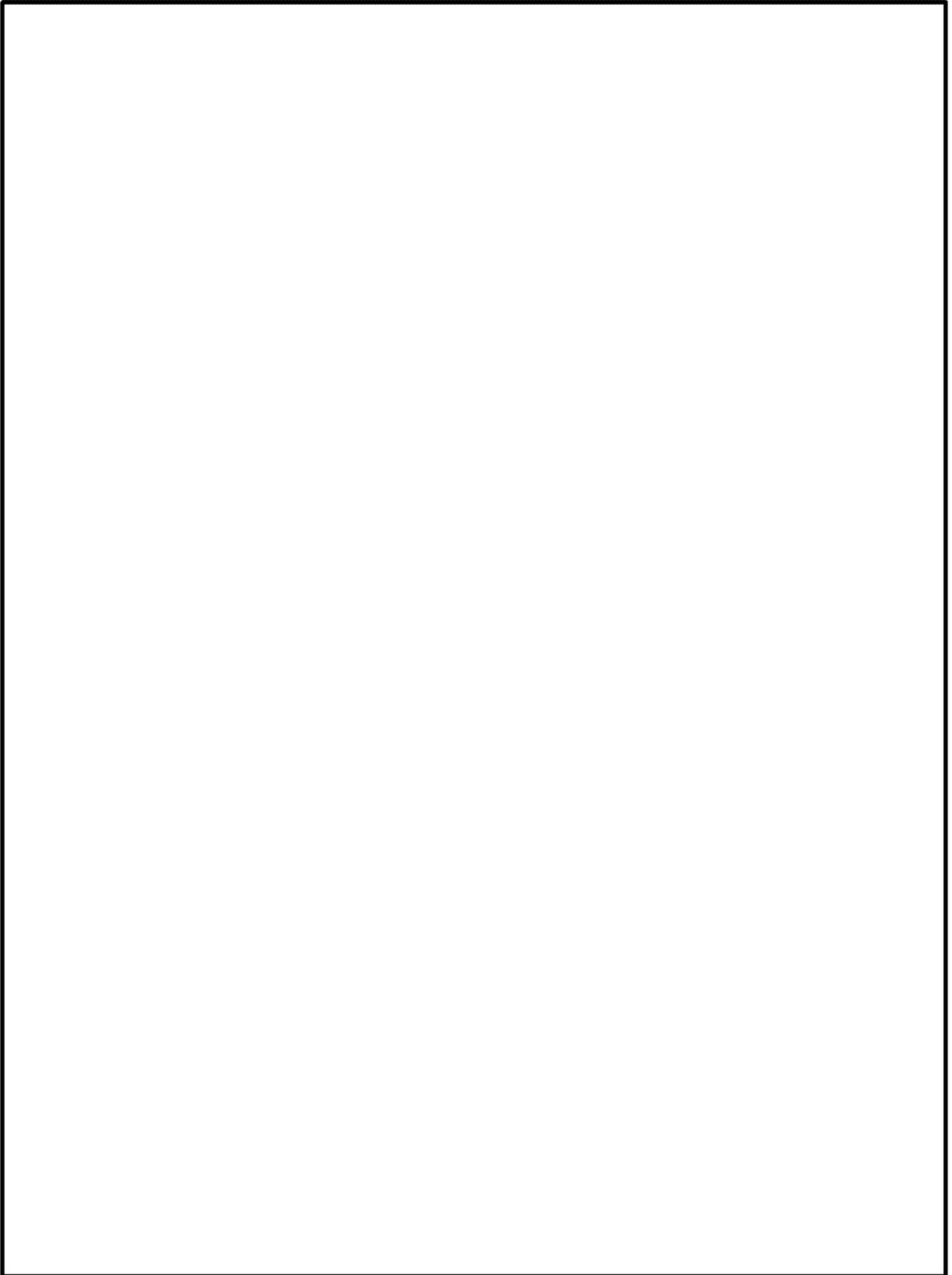


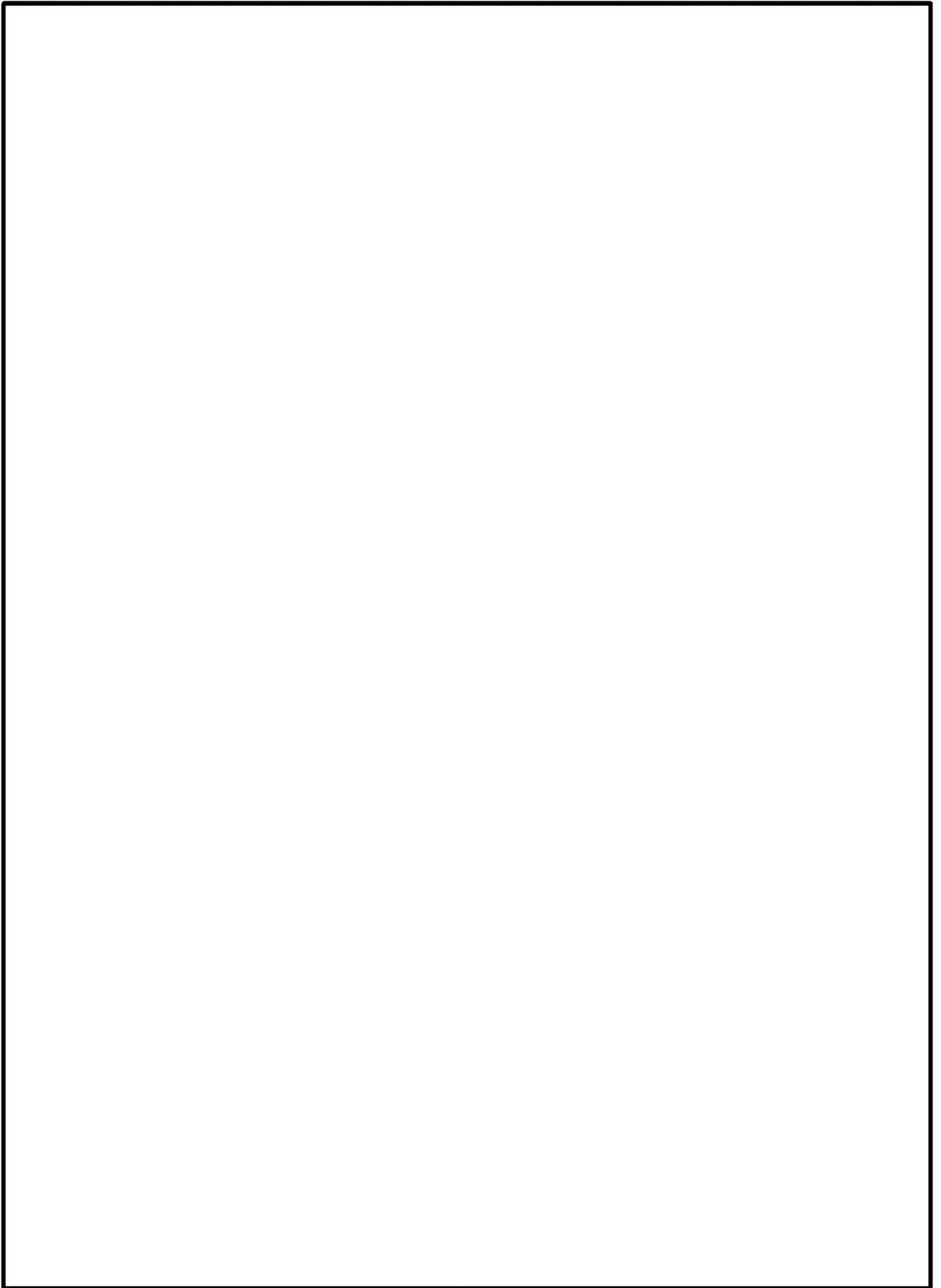


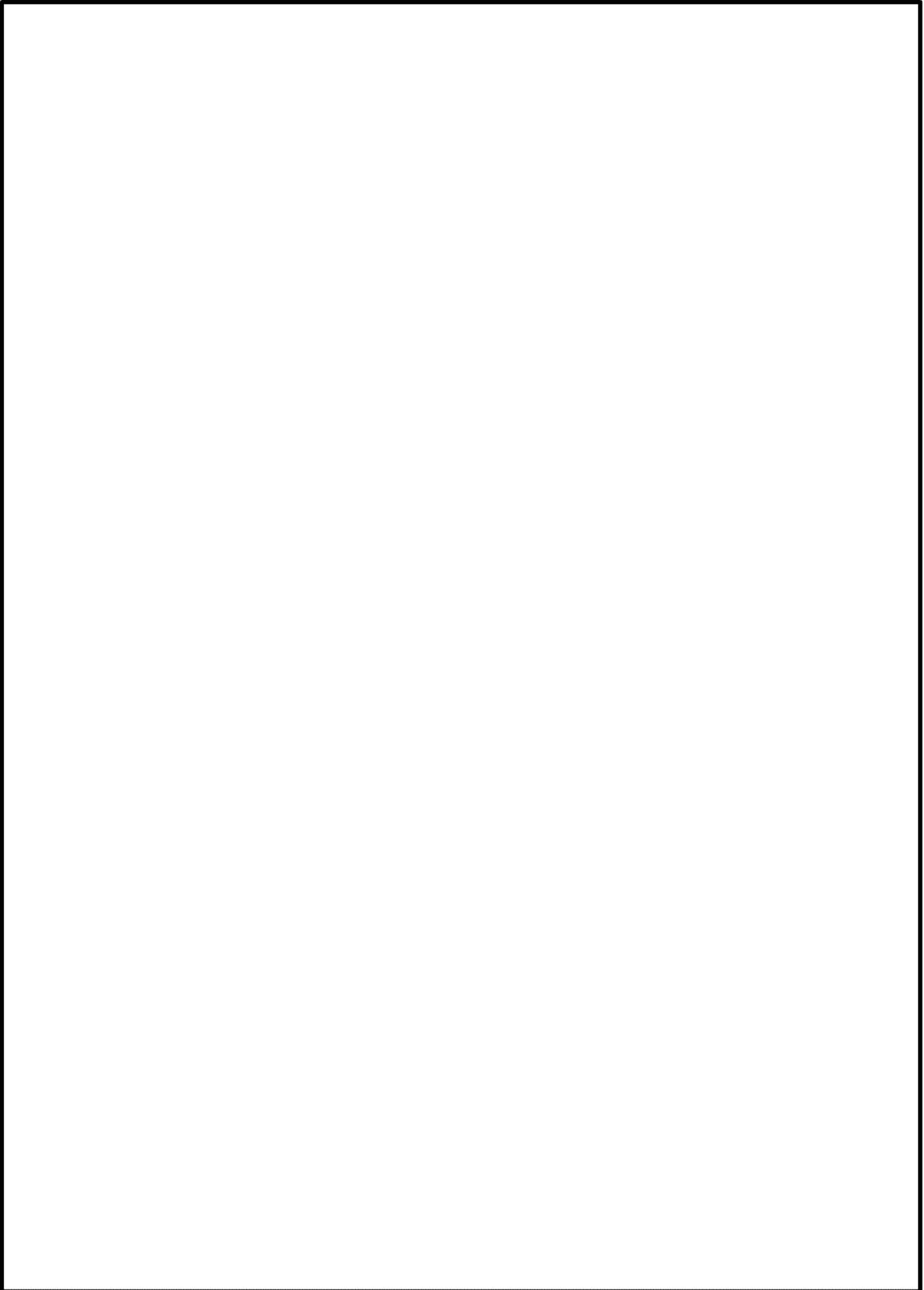


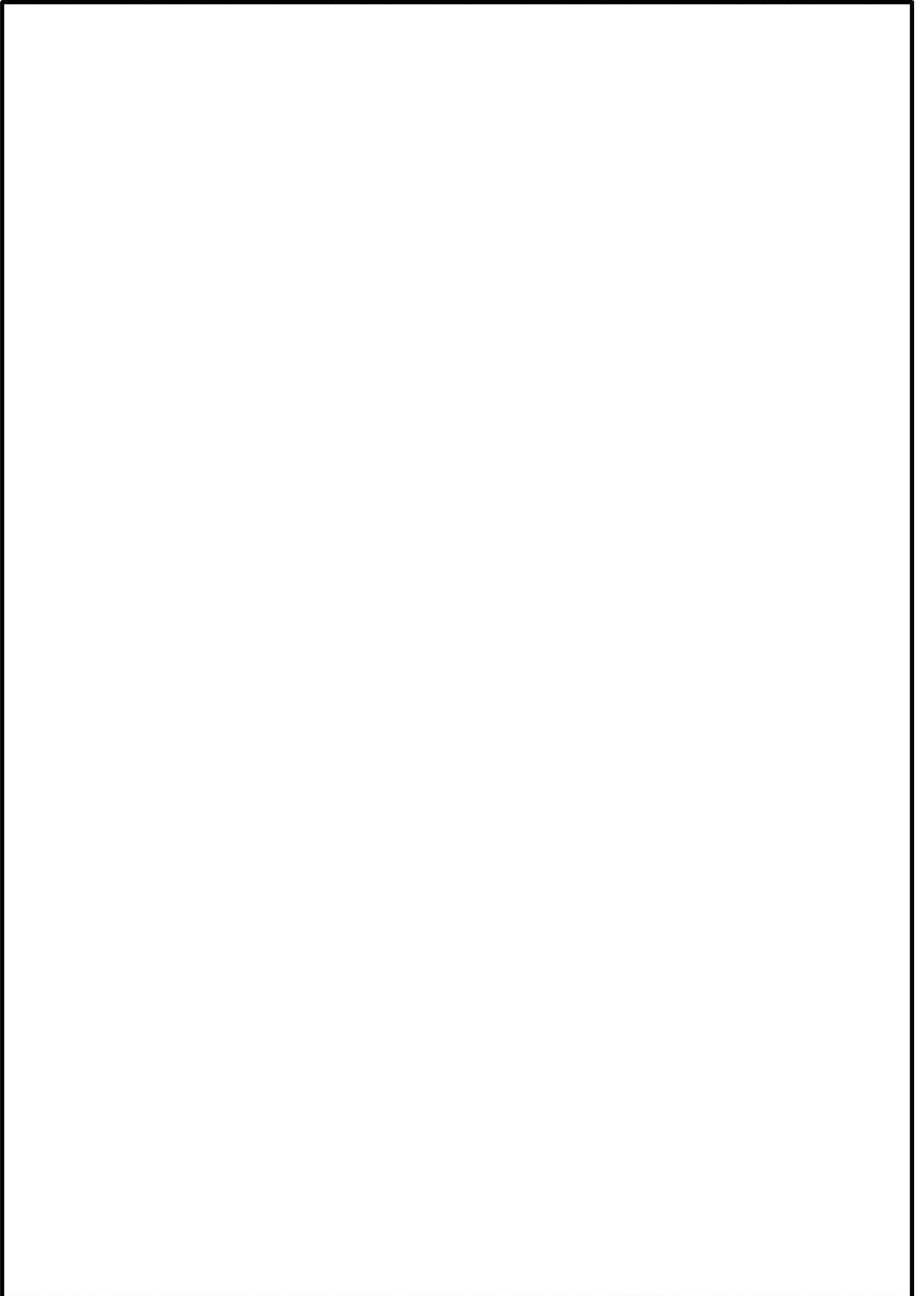


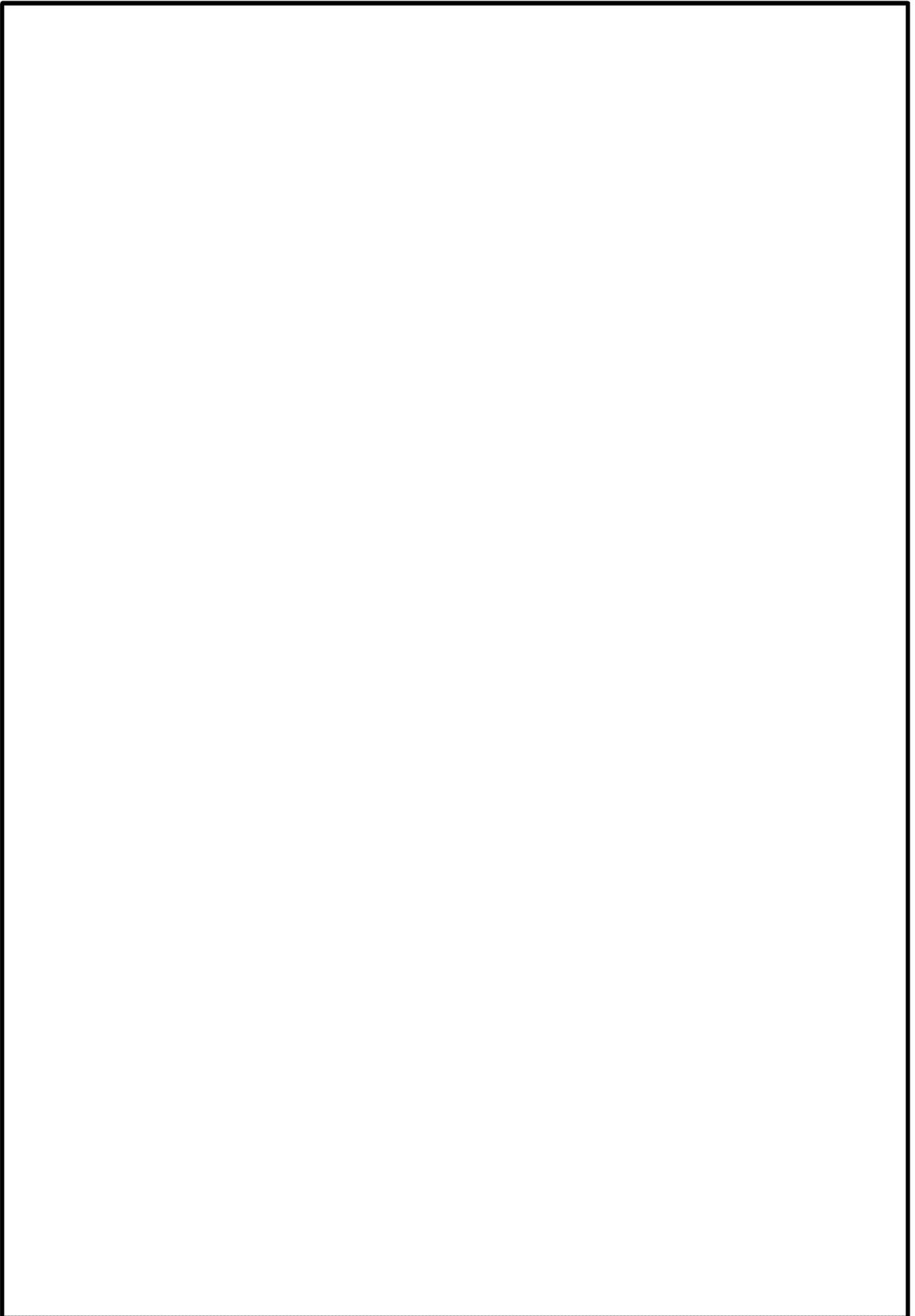


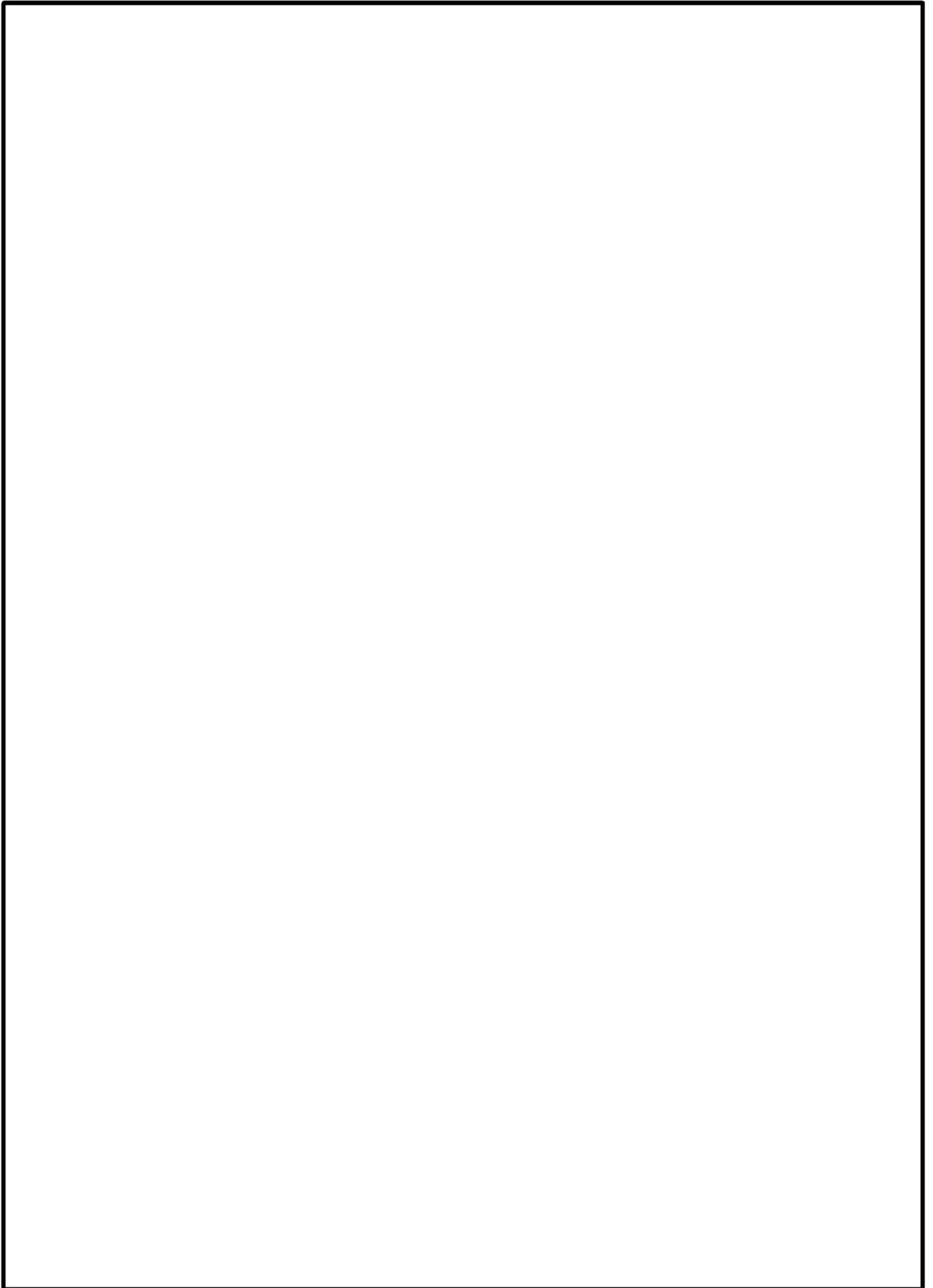


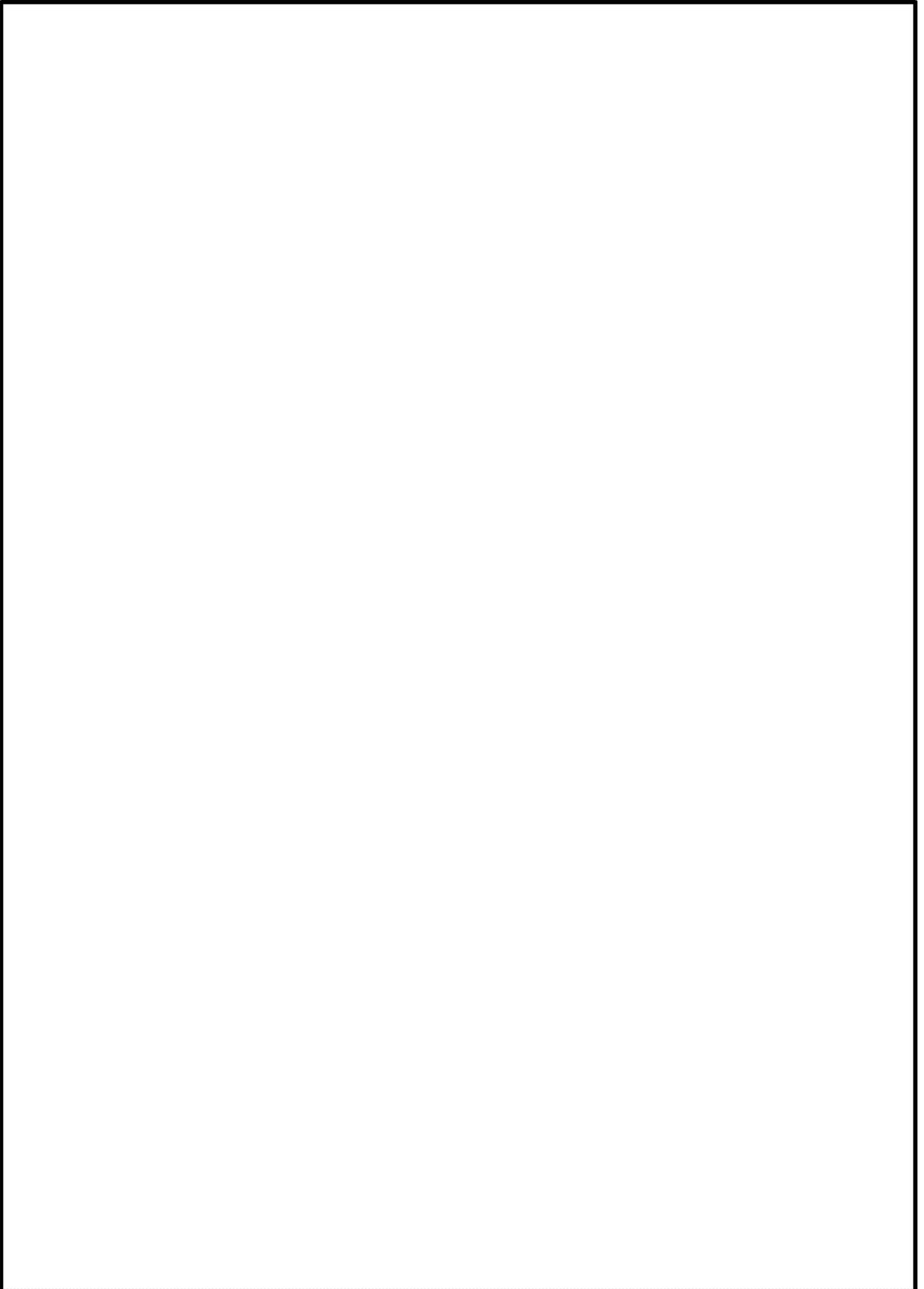


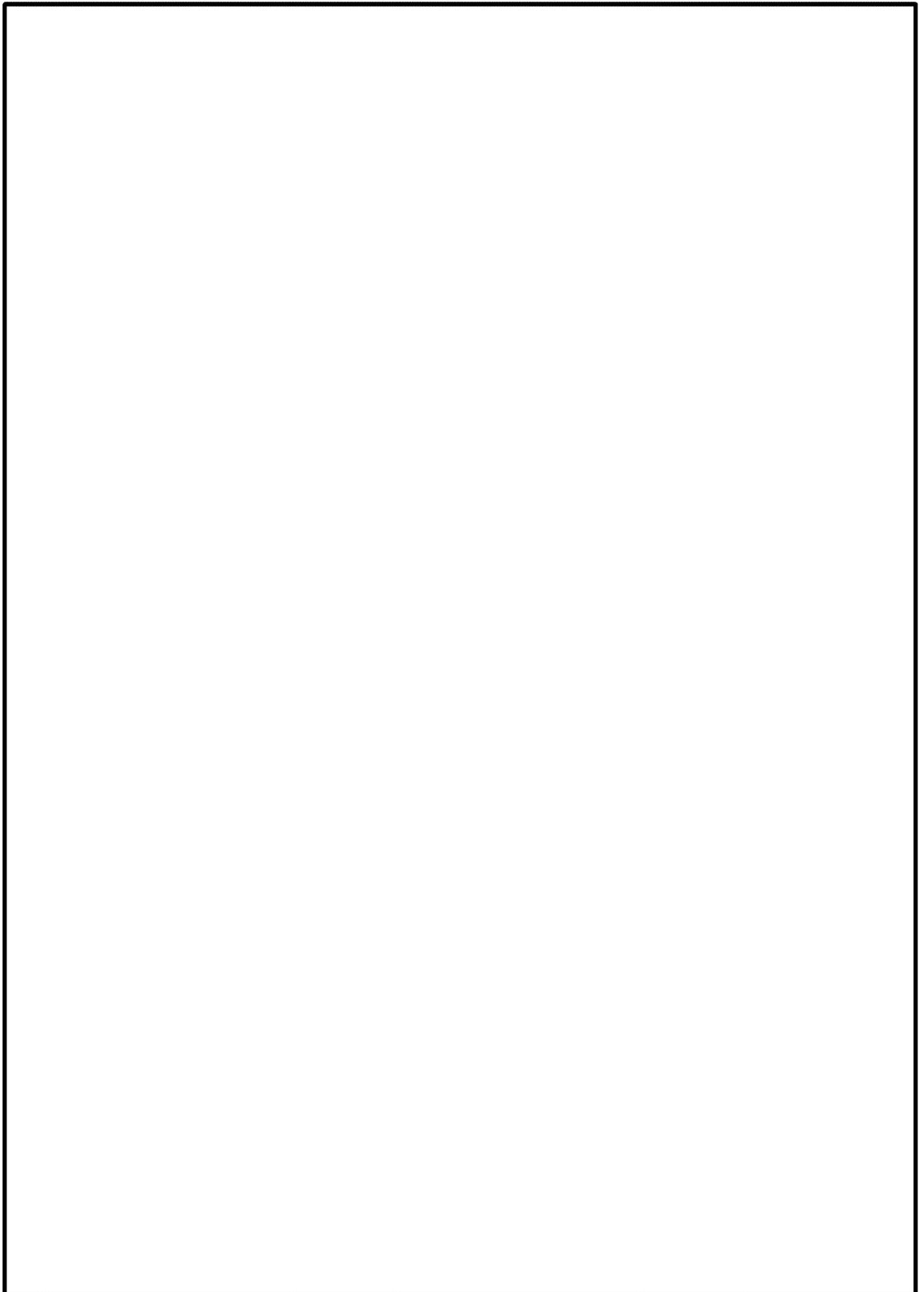


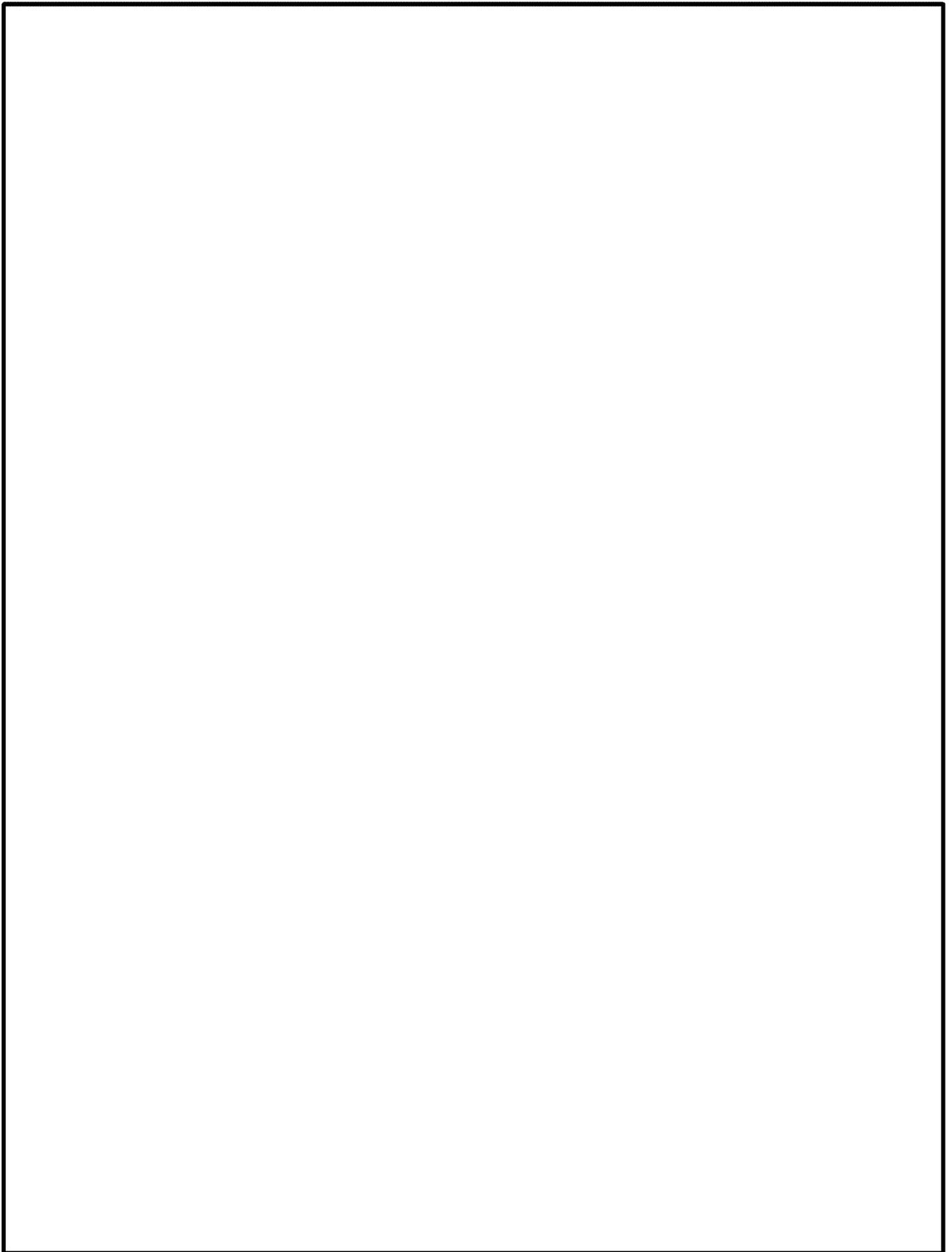


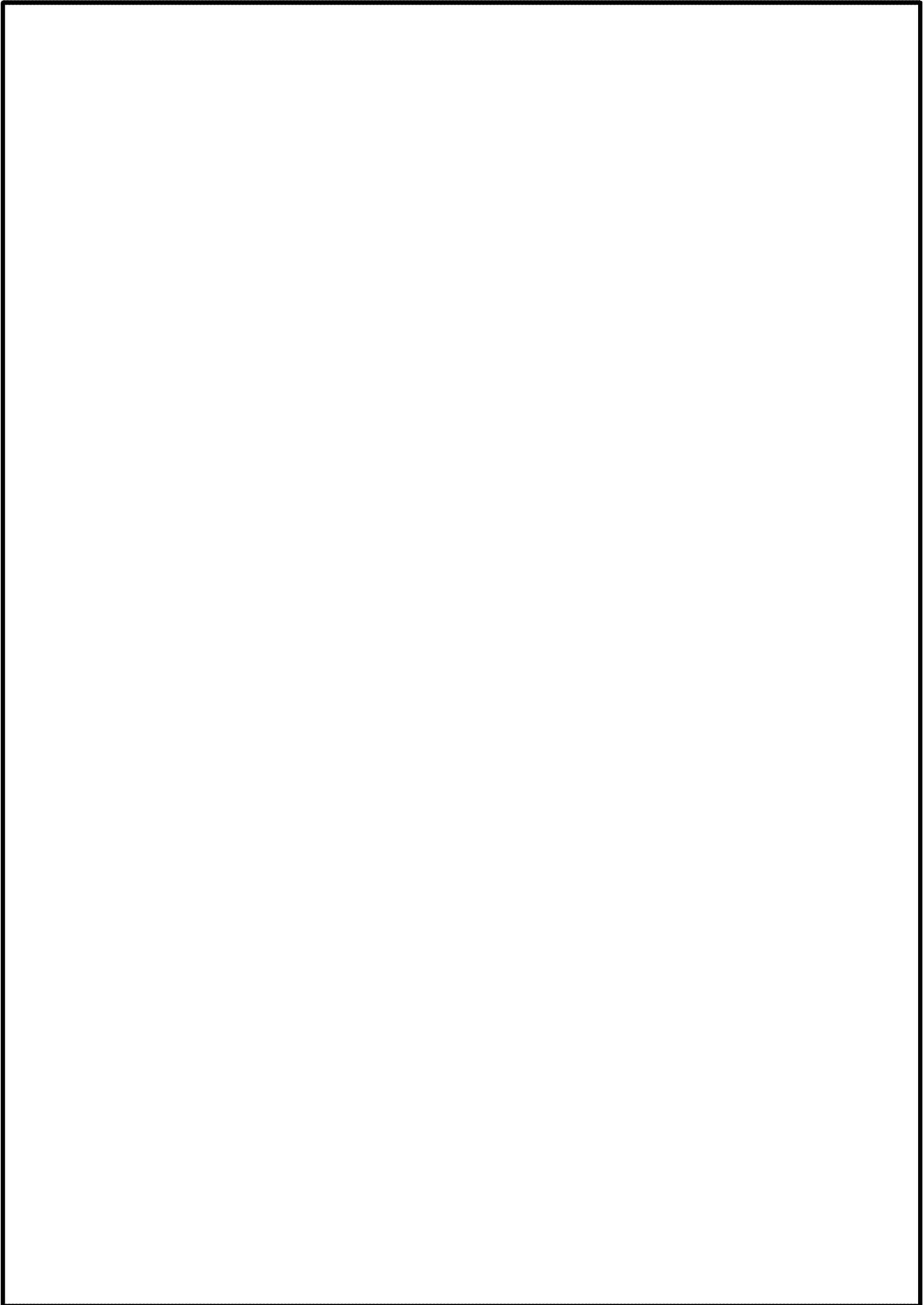


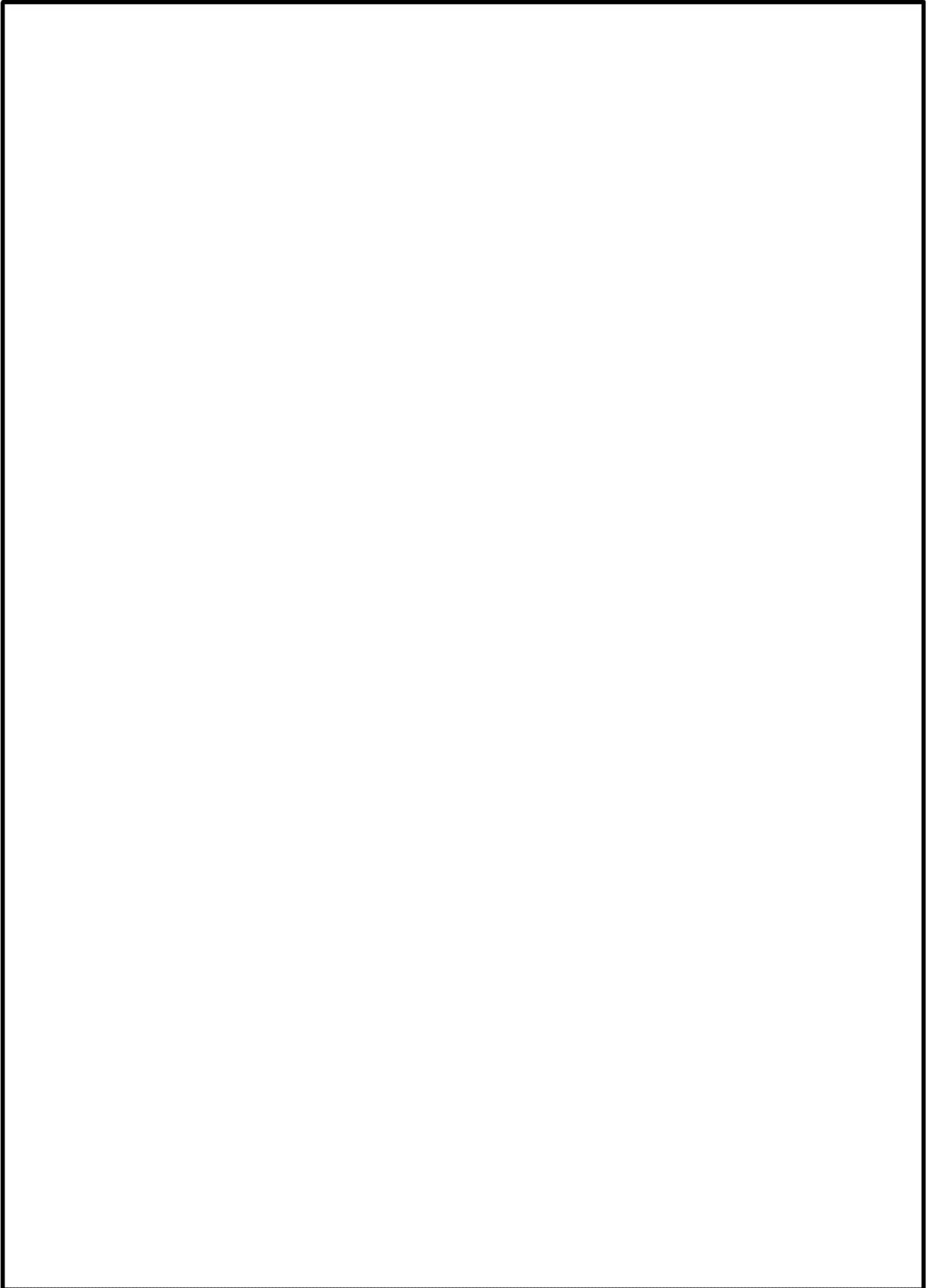


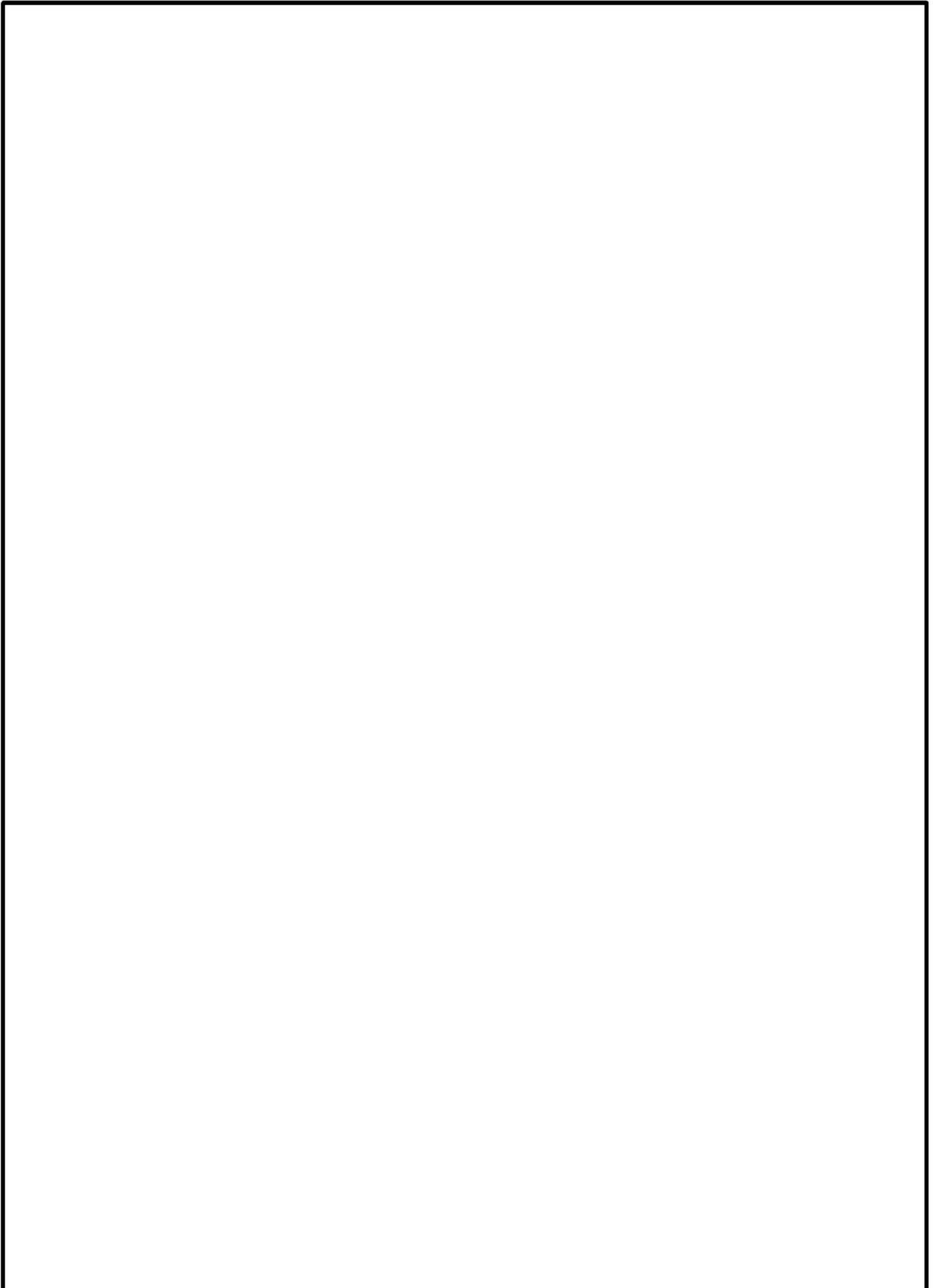


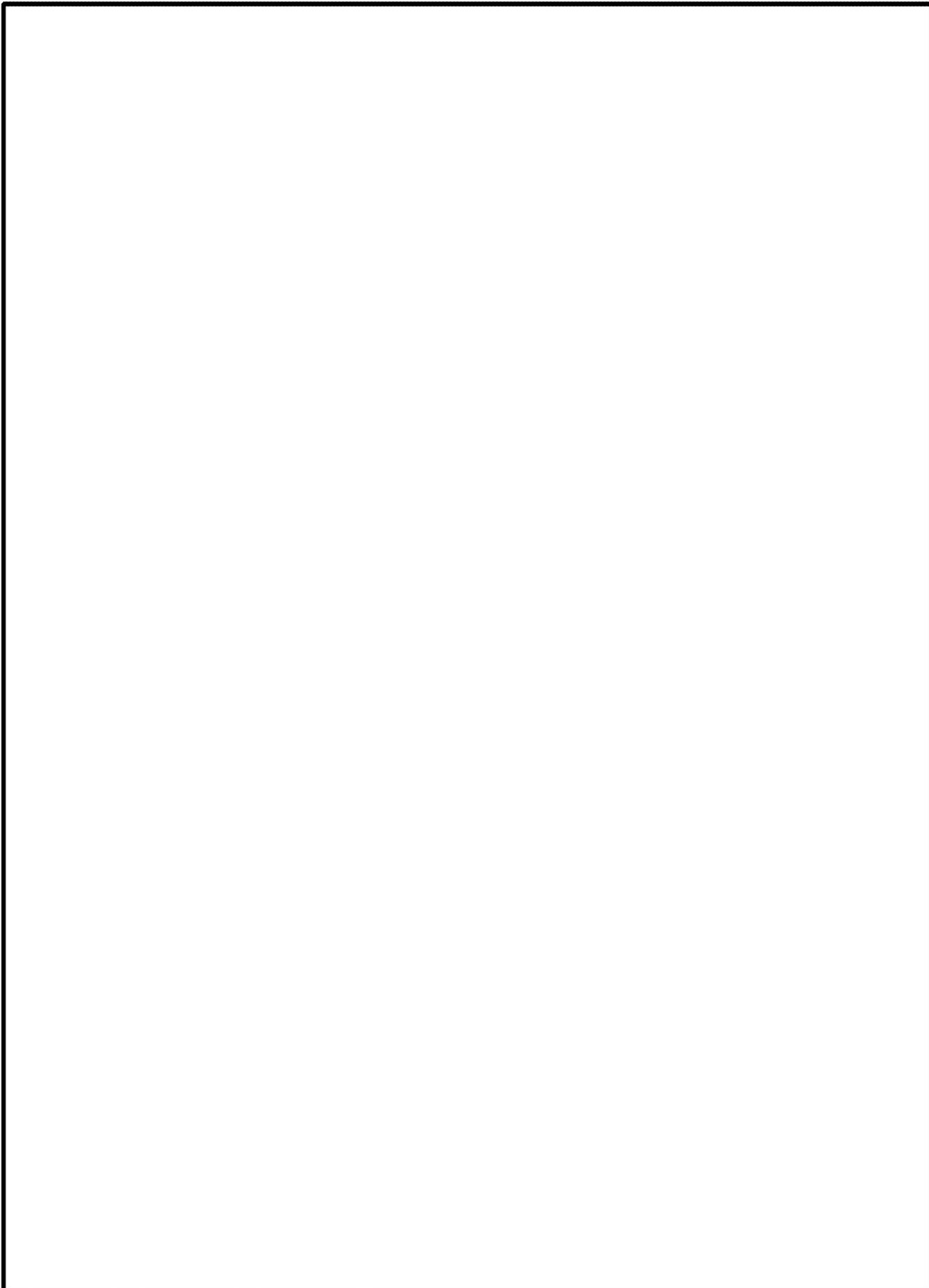


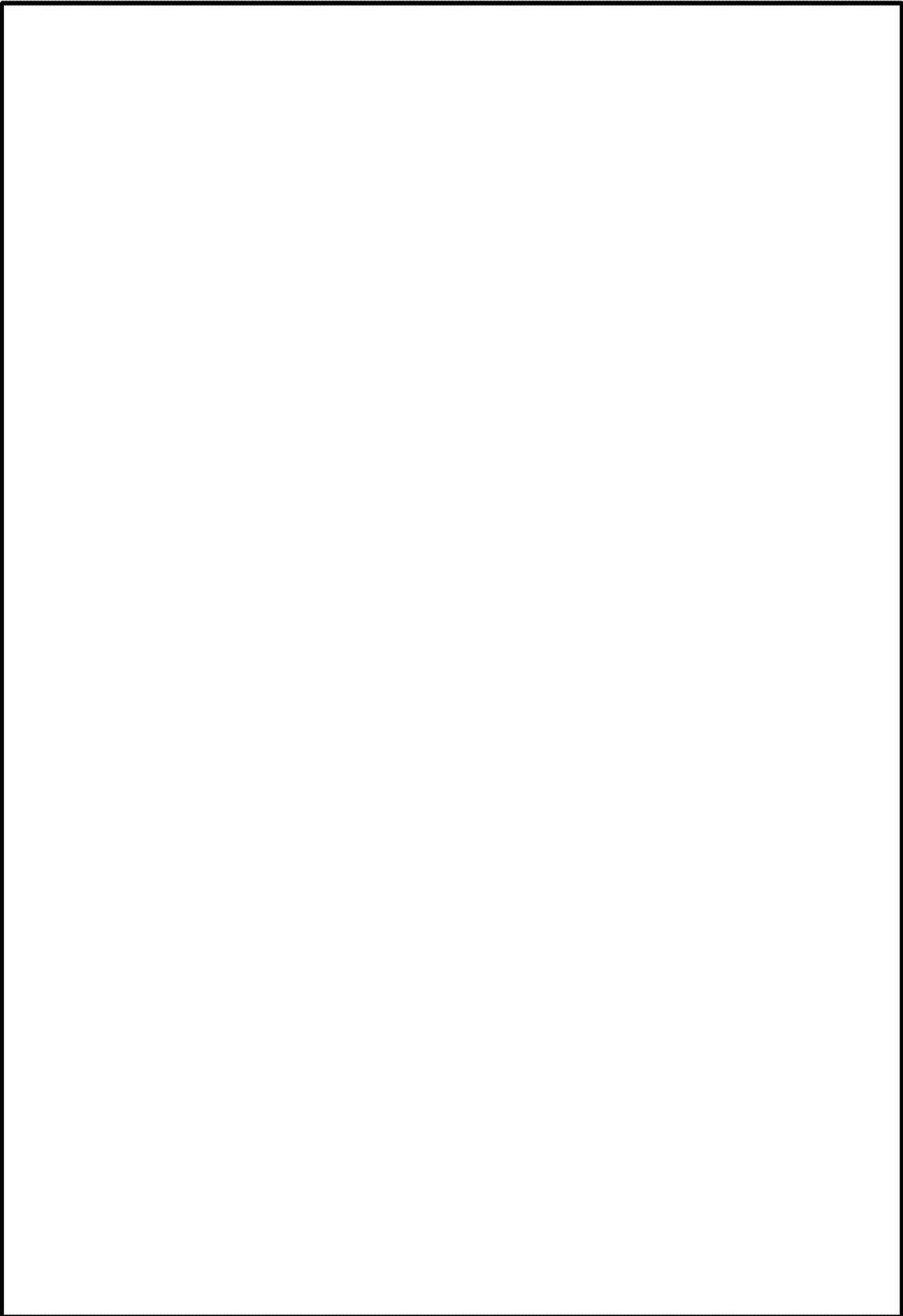


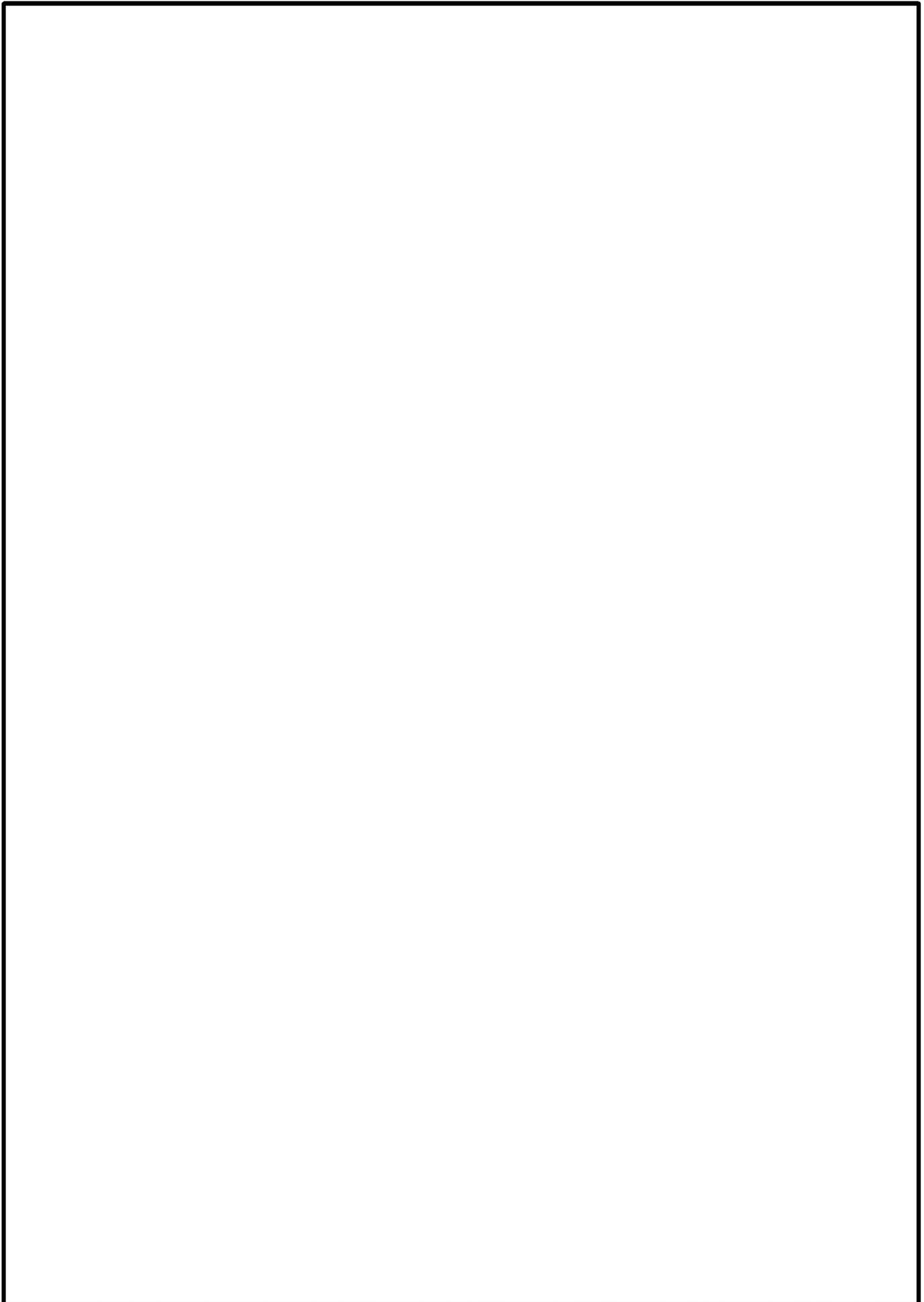


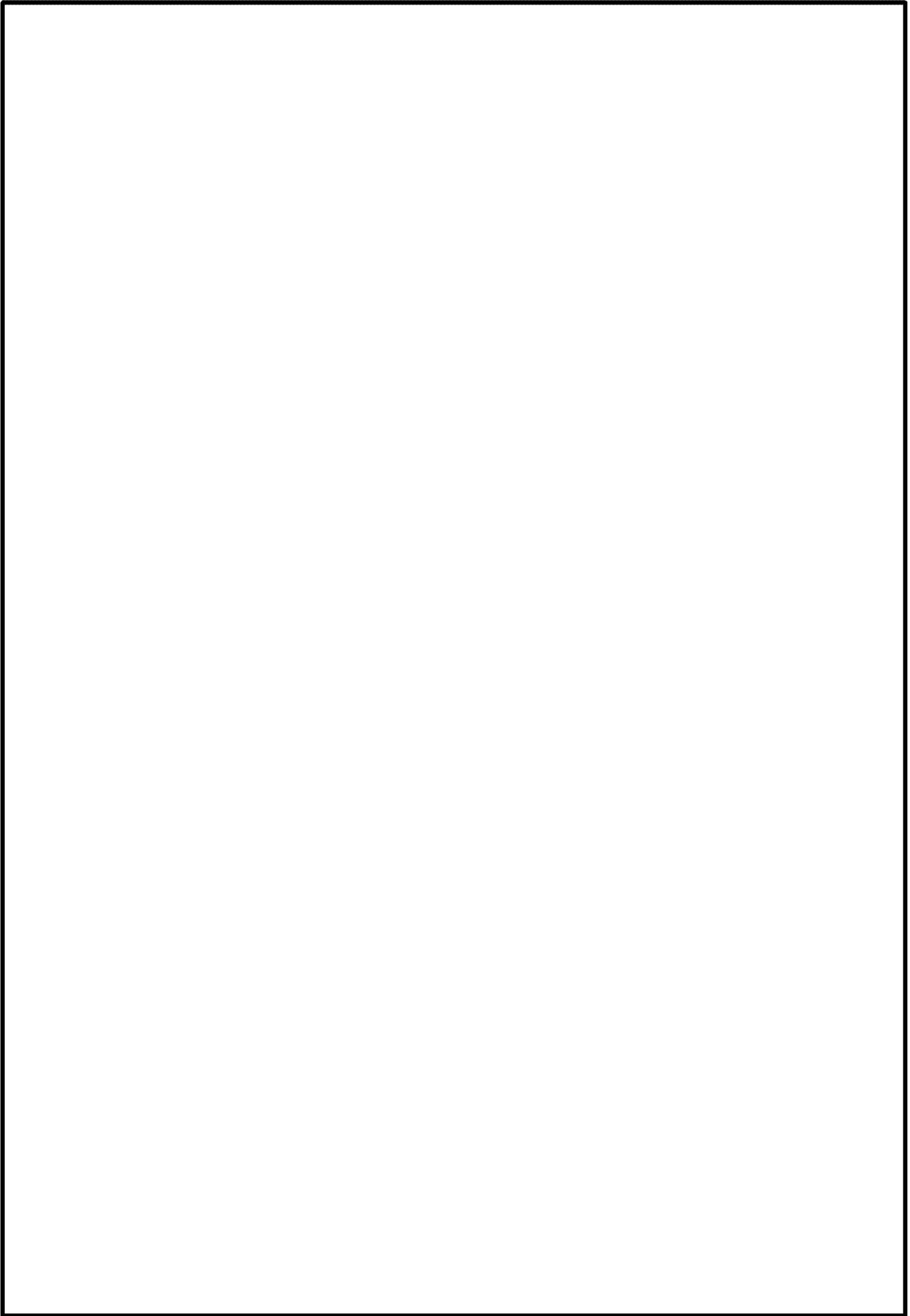




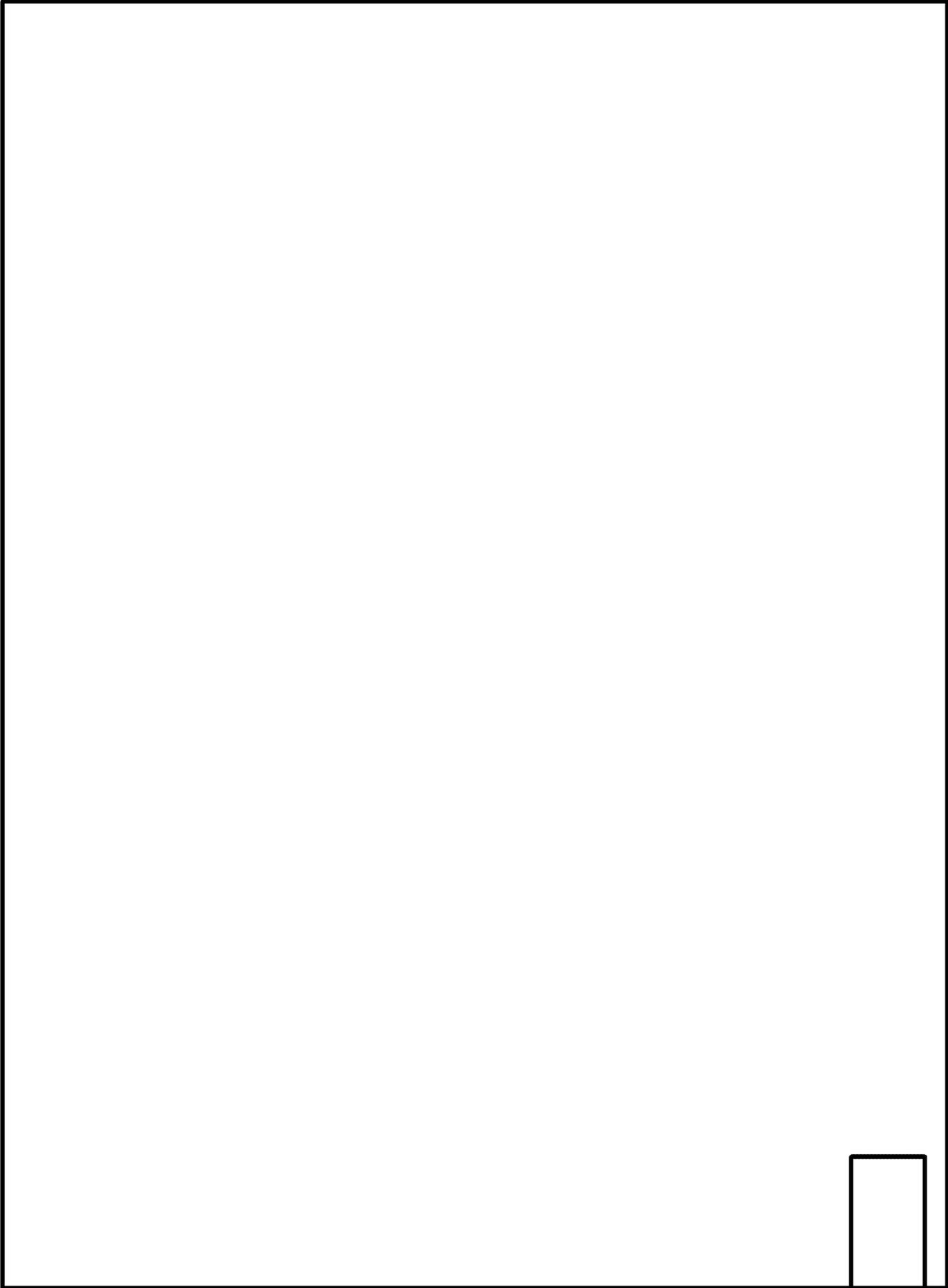




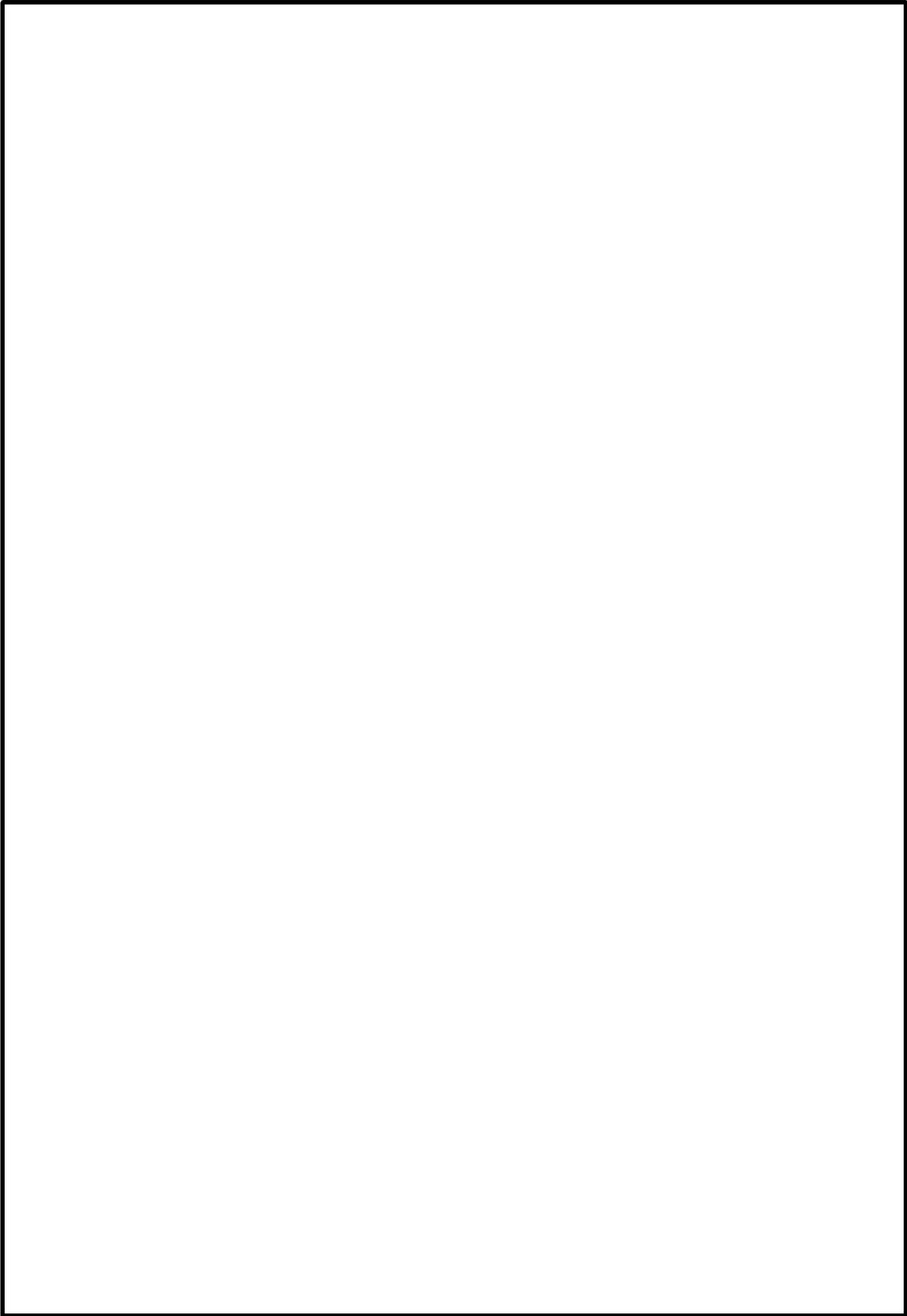




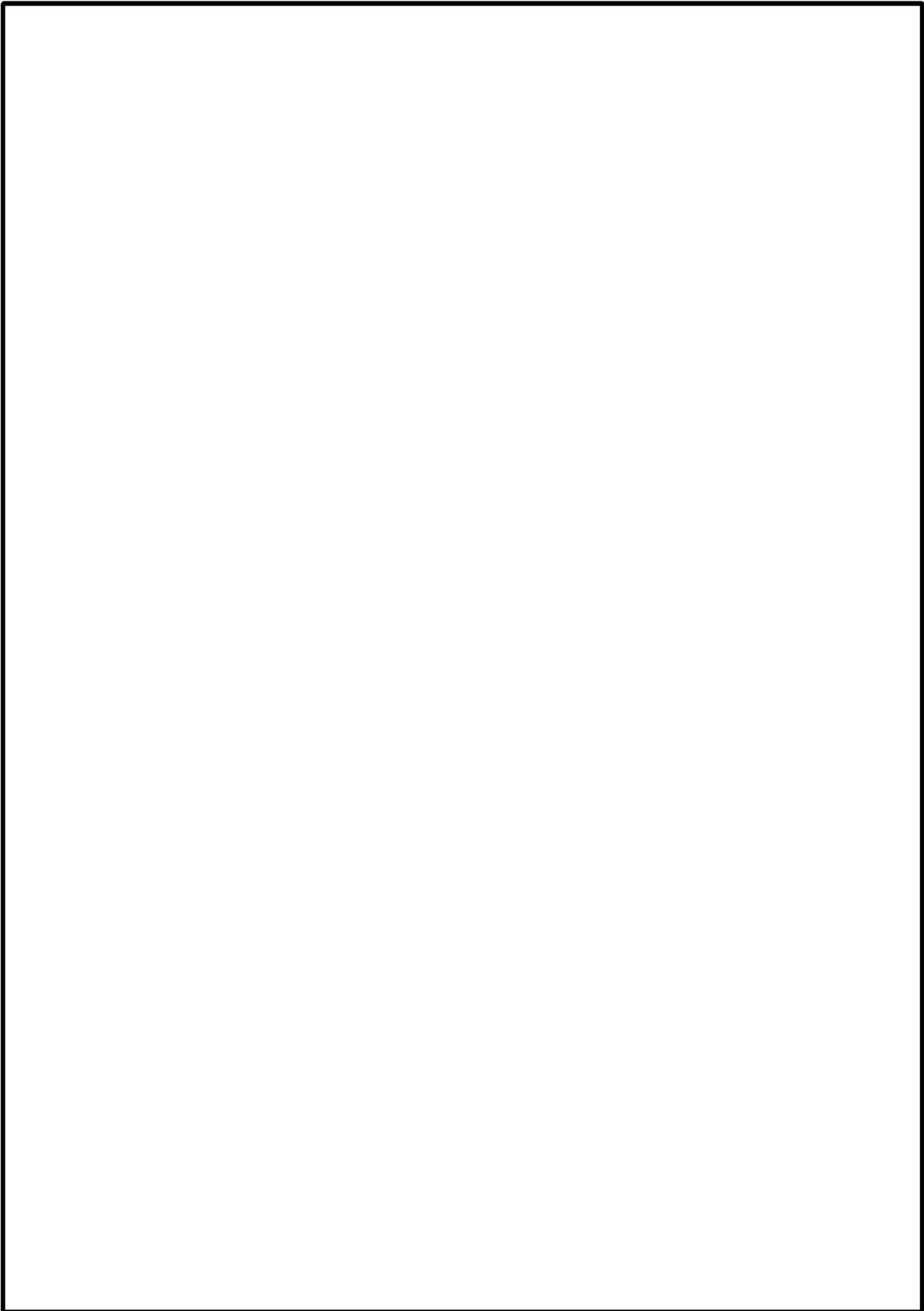
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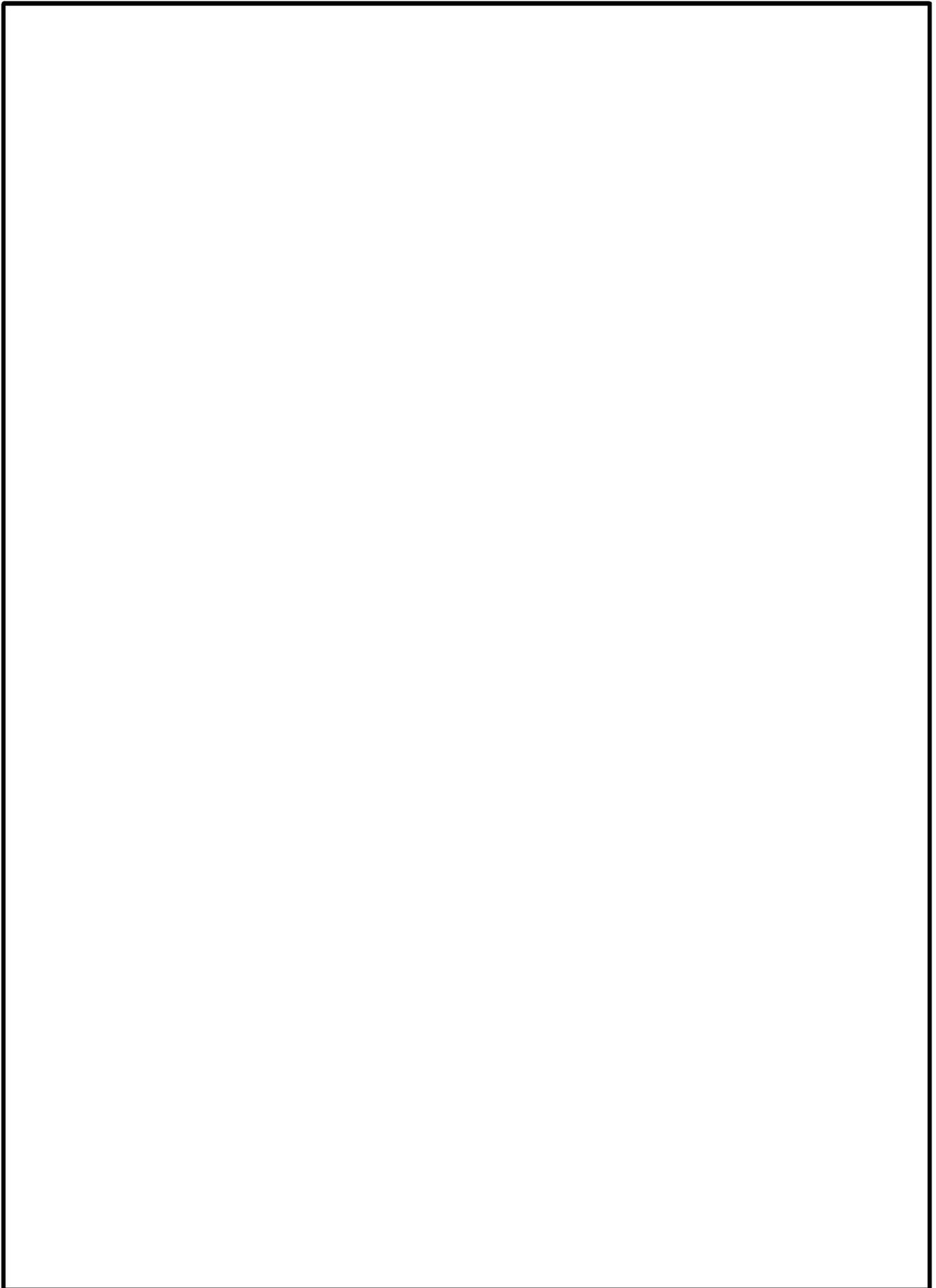


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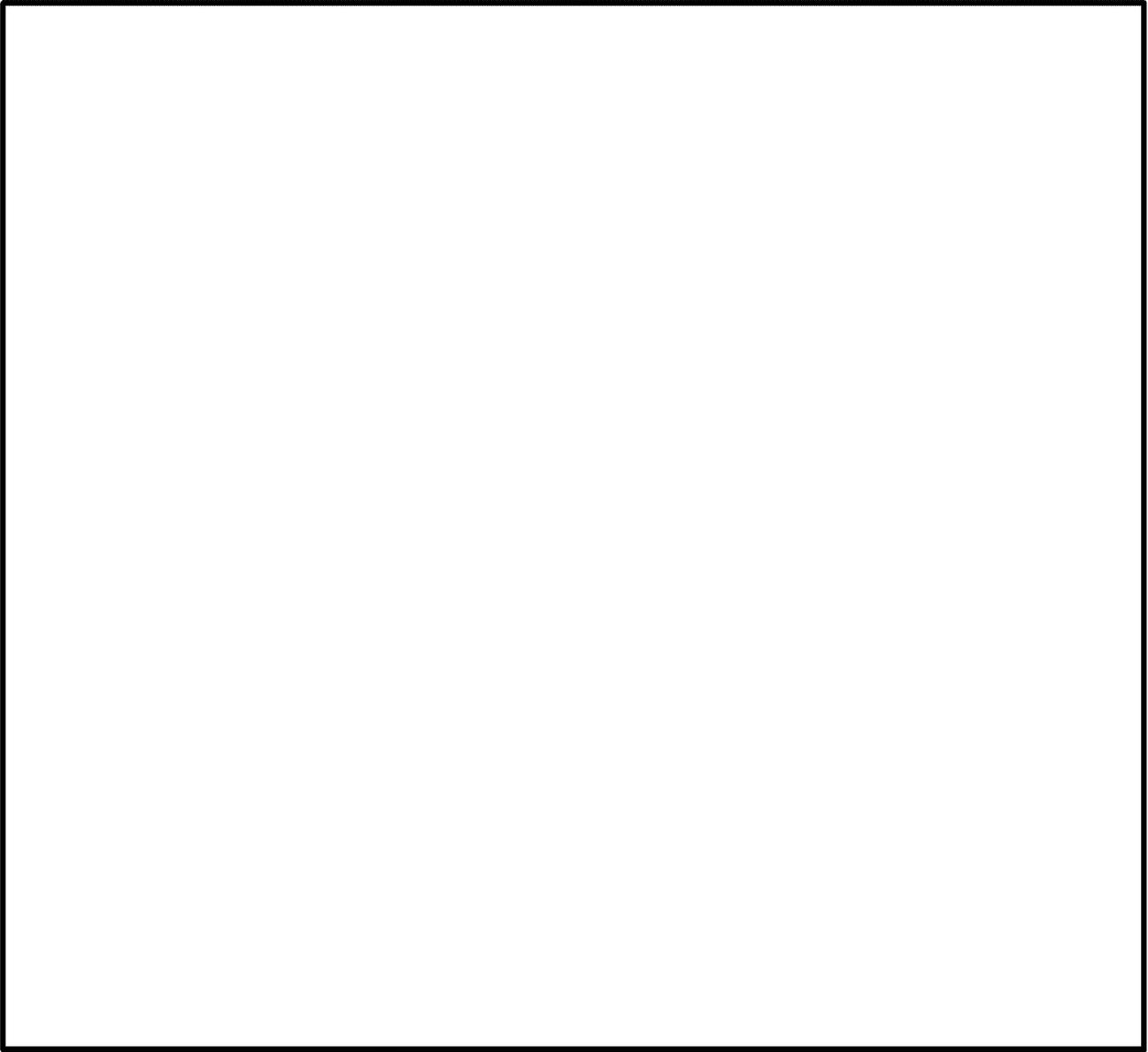












FOUO -



U.S. Citizenship
and Immigration
Services

HQRPM 70/21.1.13

Interoffice Memorandum

To: REGIONAL DIRECTORS
SERVICE CENTER DIRECTORS
DISTRICT DIRECTORS
NATIONAL BENEFITS CENTER DIRECTOR

From: Michael Aytes /s/
Acting Director for Domestic Operations

Date: June 27, 2006

RE: Consolidation of Policy Regarding USCIS Form I-864, Affidavit of Support (AFM Update AD06-20)

1. Purpose

This memorandum revises Chapter 20.5 of the Adjudicator's Field Manual (AFM) to conform this chapter to the final rule relating to the use of Affidavits of Support (Forms I-864) under section 213A of the Immigration and Nationality Act (INA), 8 U.S.C. 1183a, as amended. The final rule was published on June 21, 2006 in the *Federal Register* at 71 FR 35732.

This memorandum also (1) clarifies that an Affidavit of Support must be sufficient both at the time the adjustment of status application is filed and at the time the adjustment application is adjudicated, and (2) reiterates that, subject to limited exceptions, an Affidavit of Support is sufficient at the time of the adjudication if it was sufficient at the time it was filed with the Form I-485, Application to Register Permanent Residence or to Adjust Status.

Both the final rule and this memorandum are effective July 21, 2006.

2. Background

On October 19, 1997, USCIS published an interim rule implementing section 213A of the Immigration and Nationality Act. Since that date, the former Immigration and Naturalization Service (INS) and USCIS have issued a May 18, 1998 Federal Register notice (at 63 FR 27193) and several policy memoranda regarding section 213A of the Act, including

- *Clarification of Service policy concerning I-864 affidavit of support* (March 7, 2000);

- *Effect of enactment of the Child Citizenship act of 2000 on the affidavit of support requirement under INA 212(a)(4) and 213A* (May 17, 2001);
- *Whether an affidavit of support is required if the alien already has, or can be credited with, 40 qualifying quarters of coverage* (May 17, 2001);
- *Policy Change - Public Law 107-150, the Family Sponsor Immigration Act of 2002: Use of Substitute Sponsor if Visa Petitioner Has Died* (June 15, 2002);
- *Affidavit of support, employment letters, and ability to pay determinations* (May 14, 2004); and
- *USCIS policy regarding Form I-864, Affidavit of Support* (November 23, 2005).

On June 21, 2006, USCIS published a final rule in the Federal Register adopting the October 19, 1997 interim rule, with appropriate changes, as a final rule. Effective July 21, 2006, this rule incorporated many of the policies stated in the memos listed above and, in addition, made changes not covered in the memos, such as:

- Eliminating the requirement that sponsors submit as initial evidence pay stub(s) covering the most recent six months and an employer letter.
- Introducing the new EZ Affidavit of Support (Form I-864EZ), a short form Affidavit of Support for certain petitioning sponsors who rely only upon their own employment to meet the affidavit of support requirements.
- Establishing the new Intending Immigrant's I-864 Exemption (Form I-864W), a form specifically designed to standardize the process for determining that a particular immigrant is not required to have an affidavit of support filed on his or her behalf.
- Allowing two joint sponsors per family unit intending to immigrate based upon the same petition. If two joint sponsors are used, each joint sponsor is responsible only for the intending immigrant(s) listed on that joint sponsor's Form I-864, Affidavit of Support.
- Providing a more flexible definition of "household size."
 - Allows, but does not require, sponsors to include as part of household size any relatives in the household who are not dependents if they complete a Contract Between Sponsor and Household Member (Form I-864A) promising to make their income and/or assets available to the sponsor and intending immigrants.
 - Eliminates the requirement that household members must have lived in the sponsor's household for at least six months in order to sign a Form I-864A.
- Reducing the net value of assets that must be shown in order to cover any shortfall in the sponsor's household income when the intending immigrant is seeking to immigrate as:
 - The spouse or child of a U.S. citizen; or
 - An alien orphan who will be admitted as an IR-4 immigrant.
- Clarifying that all income and assets used to meet the Affidavit of Support requirement must come from a lawful source.

For a complete listing and discussion of the changes, see the attached final rule.

3. **Field Guidance**

USCIS shall follow 8 CFR 213a and Chapter 20.5 of the AFM. Any prior policy memorandum provision that is not consistent with the regulations or Chapter 20.5, as amended by this memorandum, is rescinded.

4. **Contact Information**

Questions regarding this memorandum and USCIS policy regarding Form I-864, Affidavit of Support, may be directed by email through appropriate supervisory channels to Jonathan Mills, USCIS Office of Regulations and Product Management (RPM).

5. **AFM Update**

1. Chapter 20.5 of the *AFM* is revised to read:

20.5 Enforceable Affidavits of Support.

(a) **Background.** Section 213A of the Act and 8 CFR 213a require most family-based and certain employment-based intending immigrants who, on or after December 19, 1997, seek to enter the United States as immigrants or who apply for adjustment of status to establish that they are not inadmissible under section 212(a)(4) of the Act by having a sponsor sign a legally enforceable Affidavit of Support on behalf of the affected intending immigrant(s).

The Affidavit is submitted on Form I-864, or, for those sponsors who are eligible to use it, on Form I-864EZ. The new Form I-864, Form I-864A, and Form I-864EZ, and I-864W are all dated January 15, 2006. The Forms are available at www.uscis.gov. To help ensure an orderly transition from the old Form I-864 and I-864A to the new forms, USCIS should continue to accept old versions of Form I-864 and Form I-864A until October 19, 2006, a grace period of 90 days from the effective date of the final rule.

Unless otherwise noted, references to Form I-864, Affidavit of Support, include Form I-864EZ, a short form Affidavit of Support to be used by certain petitioning sponsors who rely only upon their own employment to meet the affidavit of support requirements. Regulations governing the use of Form I-864 are located in 8 CFR 213a.

(b) **Persons Required to Have Sponsorship.** The following intending immigrants are required to have Form I-864 filed on their behalf:

- Immediate relatives, including K nonimmigrants adjusting to LPR status and orphans (unless the orphan would become a citizen upon adjustment of status pursuant to section 320 of the Act);
- Family based immigrants;

- Employment based immigrants if the petitioning employer is a relative of the alien, and is a U.S. citizen or Lawful Permanent Resident; and
- Employment based immigrants if a relative of the alien has a significant ownership interest (5% or more) in the for-profit petitioning entity, and is a U.S. citizen or a Lawful Permanent Resident.

Note: For employment based cases, an Affidavit of Support is required only if the intending immigrant will work for a relative who is eligible to file a Form I-130 on behalf of the intending. Therefore, for purposes of the Affidavit of Support, a relative is defined as (1) a U.S. citizen or LPR who is the intending immigrant's spouse, parent, child, adult son or daughter, or (2) a U.S. citizen who is the intending immigrant's brother or sister.

Note: An applicant for adjustment of status who filed his or her Form I-485 prior to December 19, 1997, is exempt from the Affidavit of Support requirement even if the interview is conducted and/or the application is adjudicated after that date. [See Section 531(b) of Pub. L. 104-208 and 8 CFR 213a.2(a)(2)(i) (adjustment applicants) and 213a.2(a)(2)(ii)(B) (applicants for admission).]

Some editions of the Form I-864 and Form I-864A include a jurat to be completed by a notary or by a consular or immigration officer to show that the person signed or acknowledged the signing of the Form I-864 or I-864A under oath. The Form I-864 and Form I-864A, however, provide that they are signed "under penalty of perjury." Thus, 28 U.S.C. 1746 (which deals with the legal effect of unsworn statements) makes it unnecessary for Form I-864 and Form I-864A to be signed in the presence of or certified by a notary public or an Immigration or Consular Officer. Note that the jurat has been removed from the January 15, 2006 edition of the Forms I-864 and I-864A. Form I-86EZ is a newer form, and therefore never had the jurat.

Accompanying spouses and children also need to submit Form I-864s. Each spouse or child must submit a photocopy of the principal's I-864, but they do not need to submit a photocopy of the supporting documentation. A spouse or child is considered to be "accompanying" a principal immigrant if they apply for an immigrant visa or adjustment of status either at the same time as the principal immigrant or within 6 months after the date the principal immigrant acquires LPR status.

Following-to-join spouses and children (those who apply for an immigrant visa or adjustment of status 6 months or more after the principal immigrant) require a new Form I-864 at the time they immigrate or adjust status.

(c) Applicants Exempt from Sponsorship. The following intending immigrants do not need to file Form I-864 when applying for adjustment of status:

- Any intending immigrant who falls within an immigrant classification listed in section 20.5(b) above but
 - Has already earned, or can be credited with 40 quarters of coverage pursuant to the Social Security Administration's regulations; or
 - Is classified as the child of a U.S. citizen, if the child's adjustment of status application is approved before the child's 18th birthday, and if the approval will make the child a citizen under section 320 of the Act (i.e., the Child Citizenship Act of 2000).
- Diversity immigrants.
- Special immigrants.
- Employment based immigrants (other than those for whom a relative either filed the Form I-140 or owns 5% or more of the firm that filed the Form I-140).
- Self-petitioning immigrants (including self-petitioning widow(ers) and battered spouses and children).
- Refugees and asylees adjusting status.
- Registrants under section 249 of the INA.
- Any other intending immigrant not falling within a class of admission listed in section 20.5(b) above.

(d) Sponsor Requirements.

(1) General. A sponsor who completes Form I-864 must be all of the following:

- The petitioning relative or the relative who has a significant ownership interest in the petitioning entity;
- An individual (a sponsor cannot be a corporation, organization, or other entity);
- A citizen of the United States or a permanent resident (including conditional residents);
- At least 18 years of age;
- Domiciled in the United States, the District of Columbia, or any territory or possession of the United States (see section (d)(2) below).
- Able to demonstrate the means to maintain an income of at least 125% of the Federal Poverty Guidelines for the sponsor's household size, including the immigrants being sponsored or previously sponsored. A sponsor on active duty in the U.S. Armed Forces, other than active duty for training, who is petitioning for a spouse or child must only demonstrate the means to maintain an income equal to at least 100% of the Federal Poverty Guidelines. Assets of the sponsor, the intending immigrant, or both may be used to demonstrate this requirement.

Note: A non-citizen U.S. national may sign a Form I-864 only as a joint sponsor.

(2) Domicile. Domicile means the place where a sponsor has his or her principal residence, as defined in section 101(a)(33) of the Act, with the intention to maintain that residence for the foreseeable future. A United States citizen living abroad whose employment meets the requirements of section 319(b)(1) of the Act is considered to be domiciled in the United States. For purposes of the ability to sign a Form I-864, an LPR living abroad is considered to have a domicile in the United States during a temporary period of residence abroad if he/she has obtained preservation of residence benefits under 316(b) or 317 of the INA. There may be other situations in which a U.S. citizen or LPR can establish that his or her domicile is still in the United States, despite the fact that the citizen or LPR is currently living outside the United States. *Critical issue*: proof that the residence abroad is intended to be only temporary and that sponsor, during the temporary absence, has maintained an intent to keep his or her domicile in the United States, despite the temporary sojourn abroad.

If the sponsor is not domiciled in the United States, the sponsor can still sign and submit a Form I-864 so long as the sponsor satisfies the Department of State officer, immigration officer, or immigration judge, by a preponderance of the evidence, that the sponsor will establish a domicile in the United States on or before the date of the principal intending immigrant's admission or adjustment of status. The intending immigrant will be inadmissible under section 212(a)(4) of the Act, and the intending immigrant's application for admission or adjustment of status must be denied, if the sponsor has not, in fact, established a domicile in the United States on or before the date of the decision on the principal application for admission at a U.S. port of entry on an immigrant visa or adjustment of status.

In the case of a sponsor who comes to the United States intending to establish his or her principal residence in the United States at the same time as the principal intending immigrant's arrival and application for admission at a port-of-entry, the sponsor shall be deemed to have established a domicile in the United States for purposes of this paragraph. If, however, the sponsor is an LPR, and the sponsor's own application for admission is denied, so that the sponsor leaves the United States either under a removal order or as a result of the sponsor's withdrawal of the sponsor's application for admission, the sponsor will not be deemed to have established a domicile in the United States. Thus, the Form I-864 will not be valid and the sponsored immigrant will be inadmissible on public charge grounds.

(3) Use of Spouse's Income. A sponsor's spouse who qualifies as a household member and wishes to have his or her income included as a household member generally needs to complete a Form I-864A. However, if the spouse is not willing to let the sponsor rely on the spouse's income, that is acceptable. In this situation, the

sponsor needs to show his or her own income and which portion of any assets used to qualify can be attributed to him or her.

In some situations, the sponsor's spouse qualifies as a household member and is also the intending immigrant being sponsored. Since a sponsored immigrant cannot agree to support himself or herself, he or she should not complete a Form I-864A. If children are also listed on the Affidavit of Support, and the sponsor intends to rely on the spouse's income to show the ability to support these accompanying family members, then the spouse must complete Form I-864A in order for the sponsor to be able to rely on the spouse's income.

(4) Use of Intending Immigrant's Income. If the sponsor does not meet the income requirement on the basis of his or her own income and/or assets, the sponsor may also count the intending immigrant's income if (1)(a) the intending immigrant is either the sponsor's spouse or (b) has the same principal residence as the sponsor, and (2) the preponderance of the evidence shows that the intending immigrant's income results from the intending immigrant's lawful employment in the United States or from some other lawful source that will continue to be available to the intending immigrant after he or she acquires permanent resident status. The prospect of employment in the United States that has not yet actually begun does not count toward meeting this requirement.

Note: The revised definition of "household income" retains the requirement that, unless the intending immigrant is the sponsor's spouse, the intending immigrant must have the same principal residence as the sponsor in order for the sponsor to rely on the sponsored immigrant's income. It is no longer required, however, that the intending immigrant must have had the same principal residence as the sponsor for at least 6 months.

Note: The interim rule did not directly address the ability of a sponsor to rely on an intending immigrant's income from unauthorized employment in meeting the Poverty Guidelines threshold for the sponsor's household income. In response to a specific comment relating to the issue of the sponsor's reliance on an intending immigrant's income, the revised definition of "household income" now makes it clear that income from an intending immigrant's unauthorized employment may not be considered in determining whether the sponsor's anticipated household income meets the applicable Poverty Guidelines threshold. The basis for this clarification is the clear public policy, as stated in INA §§ 245(c)(2) and 274A, 8 U.S.C. §§ 1255(c)(2) and 1324a, against unauthorized employment. Unauthorized employment, admittedly, is not always a bar to adjustment of status. Nevertheless, sections 212(a)(4)(C) and 213A clearly assume that it is primarily the sponsor himself or herself who must meet the income threshold for the Form I-864. This principle is gravely undermined by permitting the sponsor to rely on the intending immigrant's income, if it is derived from unlawful employment.

If there is an accompanying spouse and/or child listed on the Affidavit of Support, then the sponsored intending immigrant must also complete a Form I-864A. If, however, the sponsored intending immigrant is the only person included on the Affidavit of Support, then he or she does not need to complete a Form I-864A.

(5) Use of Intending Immigrant's Assets. If the sponsor does not meet the income requirement using his or her own income and/or assets, the sponsor may include the net value (the total value of the assets less any offsetting liabilities) of the intending immigrant's assets. The instructions to Part 6 of Form I-864 indicate that the intending immigrant does not need to complete Form I-864A if he or she is using his or her assets to qualify even if he or she has an accompanying spouse and/or children. Instead, the intending immigrant only needs to provide documentation showing the net value of all assets.

The required total net value of assets depends upon the basis upon which the sponsored alien intends to immigrate. For more information, see section (j)(7)(B) below.

(6) Substitute Sponsorship.

(A) For the primary intending immigrant, and accompanying family members.

If the visa petitioner dies **before** USCIS approves the visa petition, the statute does not permit anyone else to file the Form I-864.

If the visa petitioner dies **after** USCIS approves the visa petition, however, P.L. 107-150 provides discretion to permit the beneficiary to immigrate.

Under this provision, it is appropriate for USCIS to reinstate approval of the visa petition if the request to reinstate approval is supported by a properly completed Form I-864 signed by an eligible substitute sponsor (and by a joint sponsor, if necessary). The substitute sponsor must be the sponsored alien's: spouse, parent, mother-in-law, father-in-law, sibling, child (if at least 18 years of age), son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, grandchild or legal guardian. For more information regarding P.L. 107-150, see section 21.2(g)(1)(C) of this Field Manual.

Note that the final Affidavit of Support rule includes a special accommodation for the spouse of a citizen, if the citizen spouse has died. If, at the time of the citizen spouse's death, the alien spouse qualifies as a surviving "widow(er)" under section 201(b)(2)(A)(i) of the Act, then 8 CFR 204.1(i)(1)(iv) "converts" the citizen spouse's Form I-130 so that it will be deemed to be a widow(er)'s Form I-360. If the Form I-130 was approved before the citizen spouse died, it will be deemed to be an approved Form I-360. If it was still pending, it can be approved as a Form

I-360. In either case, the alien spouse will no longer need to have a Form I-864, since he or she will be adjusting status as a widow(er).

If the citizen spouse and alien spouse had not been married for at least two years when the citizen spouse died, then this “conversion” option is not available and the alien spouse remains subject to the Affidavit of Support requirements. As with any other Form I-130, if USCIS approved the Form I-130 before the citizen spouse’s death, USCIS has discretion to reinstate the approval if there is a qualified substitute sponsor.

(B) For a family member who is following to join the principal sponsored immigrant.

In those cases where the petitioner has died after the principal sponsored alien has obtained permanent resident status but before a dependent following to join under section 203(d) has obtained permanent resident status, another person may file a Form I-864 on behalf of the following-to-join dependent, if that person meets all requirements and files a Form I-864 on behalf of the following-to-join dependent. Under the interim rule (8 CFR 213.2(f)), this sponsor is not required to be someone who would qualify as a substitute sponsor. The sponsor could even be the principal sponsored alien, who, by the time the following-to-join dependent immigrates, would be an alien lawfully admitted for permanent residence.

(7) Joint Sponsor.

(A) Joint Sponsor Needed. If the petitioner or substitute sponsor cannot demonstrate the ability to maintain an income of at least 125% (or 100% when applicable) of the Federal Poverty Guidelines, the intending immigrant may meet the Affidavit of Support requirement by obtaining a joint sponsor who is willing to accept joint and several liability with the principal sponsor as to the obligation to provide support to the sponsored alien and to reimburse agencies who provide means-tested benefits to the sponsored alien during the period that the Affidavit is enforceable. The joint sponsor must demonstrate income or assets that independently meet the requirements to support the sponsored immigrant(s). It is not sufficient for the combination of incomes of the primary sponsor, sponsored immigrant and joint sponsor to meet the threshold.

The regulations at 8 CFR 213a.2(c)(2)(iii)(C) allow, but do not require, two joint sponsors per family unit intending to immigrate based upon the same family petition. No individual may have more than one joint sponsor, but it is not necessary for all family members to have the same joint sponsor.

Each joint sponsor must execute a Form I-864 that is submitted in addition to the Form I-864 submitted by the petitioner or substitute sponsor. A joint sponsor does not have to be related to the petitioning or substitute sponsor, or the sponsored alien. However, a joint sponsor must otherwise meet the same requirements as a petitioning or substitute sponsor.

The use of a joint sponsor does not eliminate the requirement that there be a signed Form I-864 from the petitioner or substitute sponsor with his or her most recent Federal tax return (or proof that there was no obligation to file). The petitioner or substitute sponsor, as well as the joint sponsor, has full financial responsibility for immigrant(s) they sponsor. If two joint sponsors are used, each joint sponsor is responsible for supporting only the intending immigrant(s) listed on that joint sponsor's Form I-864.

(B) Joint Sponsor Not Needed. If the petitioning or substitute sponsor meets the income requirements based on his or her own income, there can be no joint sponsor. If any additional Form I-864s from joint sponsors are included in the record, they should be removed from the file and returned to the intending immigrant. It is very important to remove all unneeded Form I-864s from the file so there is no confusion about who is legally responsible for the immigrant and any deeming or enforcement actions.

(e) Sufficiency of Form I-864.

- (1) In general. When determining the sufficiency of a Form I-864, USCIS shall first consider the sponsor's anticipated income for the year the sponsor signed Form I-864. Thus, during the initial evidence review, USCIS shall as a general rule determine the sufficiency of a Form I-864 based on the sponsor's reasonably anticipated household income for the year in which the sponsor signed the Form I-864.

IMPORTANT: If the income is at least 125% (or 100% as applicable) of the governing Poverty Guideline in the Form I-864P, Poverty Guidelines, from the year in which the Form I-864 was filed, the Form I-864 is sufficient.

IMPORTANT: An Affidavit of Support must be sufficient both at the time the adjustment of status application is filed and at the time the adjustment application is adjudicated. USCIS has determined that an Affidavit of Support is generally sufficient at the time of the adjudication if it was sufficient at the time it was filed with the Form I-485. That is, if the Form I-864 was sufficient when the sponsored immigrant filed the Form I-864 with the adjustment application, USCIS will generally infer from that finding that the alien is not inadmissible under section 212(a)(4) as of the date of adjudication. *In particular*, if the sponsor's Federal income tax return shows an income that was at least 125% (or 100% as

applicable) of the governing Poverty Guideline for the year the Form I-864 was filed with the sponsored immigrant's adjustment application, USCIS will generally infer that the sponsor's income has remained and will remain sufficient at the time of adjudication.

Therefore, if the Form I-864 was sufficient at the time it was filed with the Form I-485, USCIS should not request any further documentation (e.g., more recent evidence of employment or income) unless more than one year has elapsed since the Form I-864 was submitted and there is a specific reason (other than the passage of time) to question whether the evidence of income is no longer reliable.

Recent practice has been for the Form I-864 to be vetted at the National Benefit Center as part of the process of preparing the Form I-485 for adjudication. If the NBC vetting process indicates that the Form I-864 was sufficient when reviewed, an adjudicator may generally rely on that determination, unless it is determined, on the basis of specific reasons, that a request for evidence is appropriate, as outlined in paragraph 20.5(e)(2).

(2) Requesting updated information. There are two limited, specific situations in which the general rule stated in section 20.5(e)(1) will not apply:

- The first exception applies if both of the following criteria are met:
 - The most recent income tax return, the anticipated household income listed for the year the sponsor signed the Form I-864, and the evidence for the income for the year of filing all show an income that is less than 125% (or 100% as applicable) of the governing Poverty Guideline for the year the Form I-864 was filed, and
 - A joint sponsor has not filed a sufficient Form I-864.
- The second exception applies if at least one year has elapsed since the Form I-864 was submitted, and the facts in the case, as supported by the evidence in the record, provide a specific reason (other than simply the passage of time) to believe that the sponsor's income is no longer sufficient.

If USCIS determines that either of these situations exists, USCIS should issue a request for evidence. However, the request for evidence should only be for the current year's income information, not for additional evidence concerning the year in which the Form I-864 was filed. For example, if the Form I-864 was filed in 2004 with a tax return from 2003 and employment information for 2004, a request for evidence issued after April 15 of any given year would request the tax return for the immediately preceding year (e.g., a 2005 return, if requested in 2006), and employment information for the current year. In this situation, the sufficiency of the

Form I-864 is determined based upon the additional evidence as it relates to the applicable threshold set forth in the Form I-864P in effect when the USCIS issues the request for evidence, rather than the Form I-864P that was in effect when the Form I-864 was signed. USCIS may direct the Form I-485 applicant to submit the additional evidence either by mail or by appearing for a rescheduled interview.

IMPORTANT: USCIS may encounter a case in which the sponsor (i.e., a petitioning sponsor, substitute sponsor, or joint sponsor) neglected to file evidence corroborating the sponsor's claims about his or her employment and anticipated income for the year in which the sponsor signed the Form I-864. Strictly speaking, failure to submit this evidence would be a sufficient reason to issue a request for evidence and to deny the Form I-485 if the requested evidence is not submitted. Before issuing a request for evidence, however, USCIS should consider whether other evidence in the record supports the conclusion that the sponsor's claims on the Form I-864 about the sponsor's current employment and anticipated income are true. Remember, the sponsor's statements about his or her employment and anticipated income are made under penalty of perjury. Thus, these statements on the Form I-864 are themselves evidence.

Other evidence in the record may already tend to corroborate those statements. For example, the sponsor's claims about his or her anticipated income for 2006 may well be consistent with the income tax return for 2005. A request for additional evidence may be appropriate if the evidence of record supports a specific reason (other than the passage of time) to believe the sponsor's claims to be false. But if the other evidence tends to support the conclusion that the sponsor's claims are true, USCIS may decide, as a matter of discretion, that a request for evidence is not necessary.

Note: For most Form I-485s filed before November 23, 2005, the sponsor should have filed the three most recent income tax returns. USCIS may encounter a case in which the sponsor has included the most recent income tax return but not one or both of the two earlier returns. Given the change of policy reflected in the final rule, USCIS is no longer required to request the missing earlier return(s).

Note: USCIS may also decide that a request for evidence is not necessary in a case in which the sponsor filed a photocopy, instead of a transcript, but forgot to submit the Forms W-2 or 1099. A decision not to request additional evidence will be proper if USCIS concludes that the evidence of record, taken as a whole, makes it reasonable to infer that the information on the tax return is true.

(3) No Local Policy Permitted Regarding When Form I-864 Shall be Filed. In the past, USCIS permitted each local office to establish its own policy on whether to require submission of Form I-864 at the time of filing for adjustment or at the time of the adjustment interview. Local offices may no longer do so. Under a policy change that took effect November 23, 2005, USCIS requires all applicants to submit Form

I-864 with their adjustment application. If the case was filed prior to November 23, 2005 at an office that required submission at the time of the adjustment interview, USCIS should allow the applicant to submit Form I-864 and the required supporting documentation at the interview.

(f) Sponsor Use of Benefits. Question 4B of the September 26, 2000 version of the Form I-864 asks if the sponsor or any member of his or her household has used means-tested benefits during the past 3 years. Do not disqualify a sponsor based on a positive response to this question. The reason for this question is to ensure that the value of any such means-tested public benefits is not considered as income on the Affidavit of Support. Federal means-tested benefits currently include SSI (Supplemental Security income), TANF (Temporary Assistance for Needy Families), food stamps, Medicaid, and State Child Health Insurance Programs (SCHIP). State and local means-tested benefits vary by jurisdiction. Earned benefits such as Social Security retirement, Unemployment Compensation, and Workman's Compensation may be included as income.

(g) U.S. Citizen Children. Any U.S. citizen children of the intending immigrant should not be listed in part 3 of the Form I-864. The Affidavit of Support places no obligation on a sponsor or joint sponsor to support any U.S. citizen children of the sponsored immigrant. Such U.S. citizen children should only be included in household size if they are actually resident in the sponsor's or joint sponsor's household or listed as dependents on the sponsor's most recent tax return.

(h) Withdrawal of an affidavit of support or Form I-864A. A person who has signed a Form I-864, I-864EZ or I-864A may withdraw the Form. If the person does so, USCIS will adjudicate the application for adjustment of status as if the withdrawn Form I-864, I-864A or I-864EZ had never been filed. In an adjustment of status case, a withdrawal of the Form I-864, I-864EZ or I-864A is not effective unless it is in writing and USCIS actually receives the withdrawal before the final decision on the adjustment application. In an immigrant visa case, once a consular officer has issued an immigrant visa, no Form I-864, I-864EZ or I-864A may be withdrawn unless the visa petitioner also withdraws the visa petition.

(i) Documentation.

(1) Federal Tax Returns. Each sponsor must submit either a transcript or a copy of his or her most recent US. Federal individual income tax return (Form 1040, 1040A or 1040EZ), including all Schedules filed with the IRS. If the sponsor submits a copy of the tax return, he or she must also include copies of any and all IRS Forms W-2 and 1099 that reflect income used to qualify. The second note under paragraph 20.5(e)(2) provides guidance regarding what to do if a W-2 or 1099 is missing. Note, however, that it is not necessary to submit the Forms W-2 or 1099 if a transcript, rather than a copy, of the tax return is submitted. State or foreign income tax returns are not acceptable; if submitted, they must be returned to the intending immigrant.

The sponsor must submit with the Form I-864 the sponsor's U.S. Federal income tax return for the most recent tax year (that is, the completed tax year immediately preceding the date the sponsor signs the Form I-864). USCIS may generally expect a sponsor, after April 15 of any given year (or April 16 or 17, in a year in which April 15 is on a Saturday or Sunday), to have completed his or her tax return for the previous year. If the sponsor requested an extension, the sponsor should provide proof of filing for the extension. If the sponsor did not file a tax return, the sponsor must prove that he or she was not required to file. If a sponsor should have filed, the sponsor must file retroactively and provide proof of filing. Note that U.S. citizens generally have an obligation to file a tax return on non-U.S. earnings even if there was no tax liability.

EXAMPLE 1: Sponsor signs the Form I-864 on March 1, 2006. The US Federal income tax return for 2005 is not due until April 17, 2006. Therefore, the sponsor must submit his or her 2004 U.S. Federal income tax return.

EXAMPLE 2: Sponsor signs the Form I-864 on May 5, 2006. The sponsor must submit his or her 2005 U.S. Federal income tax return.

EXAMPLE 3: Sponsor signs the Form I-864 on May 5, 2006. However, the sponsor also filed with IRS a Form 4868, obtaining an extension of the 2005 income tax filing deadline. The sponsor must submit his or her 2004 U.S. Federal income tax return.

Note: Typical proof that a sponsor was not required to file a tax return for a particular year would consist of a written statement from the sponsor, signed under penalty of perjury, attesting to the amount of his or her income for the relevant year and to the fact that a tax return was not required by law. USCIS adjudicators handling Form I-864 issues should be aware of the income threshold for the requirement of filing a tax return for the last several years, so that an RFE for evidence of the law is not necessary. In particular, the Instruction booklets for each year's Forms 1040, 1040A, and 1040EZ specify the income threshold below which a person is not required to file a return.

Note: IRS permits and encourages electronic filing of Forms 1040, 1040A and 1040EZ. An electronically filed tax return may also be signed electronically. When a person signs and files the tax return electronically, a "hard copy" of the original tax return will not exist. In this situation, it is acceptable for the person to submit a plain copy printout, showing the tax return as it would have looked, had it been filed on paper, together with the IRS-issued "declaration control number." By signing the Form I-864 or I-864A "under penalty of perjury," the person certifies that the copy is a copy of what was submitted to IRS. As with paper-filed returns, it is also acceptable for the person to submit an IRS transcript of the electronically filed return.

A sponsor may submit an IRS-issued transcript instead of a photocopy of the sponsor's tax return. A sponsor may obtain a transcript by filing IRS Form 4506-T with the IRS. Currently, the IRS does not charge a fee for transcripts. Tax transcripts provide proof that the returns were filed with IRS, are easier to read, take up less room in the file, and are easily obtained. If a sponsor submits a transcript rather than a photocopy of the tax return, it is not necessary for the sponsor to include copies of any Forms W-2 or 1099.

(2) Job Letters and Proof of Income. Pay stub(s) showing income for the most recent 6 months and letters from all current employers are no longer required as initial evidence. The applicant, however, may submit either or both of these items (1) in response to a request for additional evidence (RFE), or (2) with a Form I-864 if the applicant believes doing so would help establish that the sponsor meets the governing income/assets threshold. If submitted, letters from current employers should show dates of employment, the nature of the job, wages or salary earned, number of hours/weeks worked, and prospects for future employment and advancement. It should be sufficient for the employer to say that the employment is of indefinite duration or words of similar effect. Promises of future employment are not required.

(3) Household Members. The sponsor may use the income of any member of his or her own household who is at least 18 years old to help meet the household income requirement. The sponsor and household member must complete Form I-864A, which must include a copy or transcript of the household member's most recent tax return and sufficient documentation of all income and assets he or she lists on the Form I-864A. USCIS shall use the same standards for documentary evidence of income and assets listed on a Form I-864A as are used for documentary evidence of income and assets listed on Form I-864.

(j) Use of Poverty Guidelines. HHS publishes new Poverty Guidelines in the Federal Register each year. These guidelines become effective for USCIS purposes on the first day of the second full month following their release. For example, in 2006, new Poverty Guidelines were published in the Federal Register on January 22 and therefore became effective for USCIS purposes on March 1, 2006. To assist sponsors and intending immigrants, USCIS publishes the governing guideline for the location and size of each household on Form I-864P, Poverty Guidelines. The Poverty Guidelines for each year remain in effect during the next year until the effective date of the new guidelines.

Note: The correct Form I-864P should already be included in the record, since 8 CFR 213a.2(a)(1)(ii) requires the Form I-485 or immigrant applicant to include the current Form I-864P when the applicant submits the application. If the Form I-864P is missing, that fact alone would not warrant a request for evidence, since the USCIS office should maintain past versions of the Form I-864P. When copying a Form I-864P for addition to

the record, please be sure to copy the Form I-864P that was in effect when the Form I-485 was filed, rather than any later version.

Note: If, as specified in paragraph 20.5(e)(2) of this chapter, it is necessary to request additional evidence, the sufficiency of the Form I-864 is determined according to the Poverty Guidelines in effect when the request for evidence is made. Therefore, a copy of the current Form I-864P should be included in the record of proceeding and sent with the request for evidence.

(k) USCIS Review. The following items must be considered by USCIS when reviewing a Form I-864 or Form I-864EZ:

(1) Part 1: Verify That Sponsor Has Checked the Correct Box(es). If Form I-864EZ is being used, then “Yes” must be checked on boxes a, b, and c. If Form I-864 is being used and box “d” has been checked indicating a single joint sponsor, USCIS should ensure that there are two Form I-864s: one from the petitioner and one from the joint sponsor. If Form I-864 is being used and box “e” has been checked indicating two joint sponsors, USCIS should ensure that there are three Form I-864s: one from the petitioner, one from the first joint sponsor, and one from the second joint sponsor.

(2) Parts 2-4 of Form I-864 or Parts 2-3 of Form I-864EZ: Verify These Have Been Completed Correctly. Compare the information provided with information from other documents included in the application and/or verifying data with the sponsored immigrant at the time of the interview.

If the sponsor is using Form I-864, only “accompanying” family members should be listed in the chart in Part 3. Be sure that the first and last name of each accompanying family member is listed. Family members “following to join” (i.e., intending to immigrate more than 6 months after principal intending immigrant) should not be listed in Part 3.

(3) Part 5 of Form I-864 or Part 4 of Form I-864EZ: Sponsor’s Household Size.

The sponsor’s total household size is used to determine the correct Federal Poverty Guideline. For purposes of Form I-864, a household size includes the total of the following groups of individuals:

- Sponsor;
- Person(s) the sponsor is sponsoring on the Affidavit of Support (will always be one if the sponsor is using Form I-864EZ instead of Form I-864);
- Sponsor’s spouse, if the sponsor is married;

- All of the sponsor's children, as defined in section 101(b)(1) of the Act, except those that have (1) reached the age of majority (i.e., are at least 18 years old) or are emancipated under the law of the person's domicile, and (2) are not claimed as dependents on the sponsor's most recent Federal income tax return;
- Other persons lawfully claimed as dependents on the sponsor's tax return for the most recent tax year; and
- The number of siblings, parents, and/or adult children who (1) have the same principal residence as the sponsor, and (2) have combined their income with the sponsor's income by submitting Form I-864A.

Note: When calculating household size, do not count any person more than once.

(4) Part 6 of Form I-864 or Part 5 of Form I-864EZ: Sponsor's Income and Employment

(A) General Rule and Active Duty Military Exception. Either the petitioning sponsor, substitute sponsor, or a joint sponsor must generally demonstrate the ability to maintain his or her annual household income at 125% of the governing Federal Poverty Guideline threshold.

A petitioner on active duty in the U.S. Armed Forces, other than for training, only needs to demonstrate the means to maintain an annual income equal to at least 100% of the Federal Poverty Guidelines if he or she is petitioning for a spouse or child.

Note that a substitute sponsor or joint sponsor is not eligible to claim the 100% income level based on the *petitioner's* relationship to the intending immigrant, or the *petitioner's* military status. A substitute sponsor or joint sponsor may claim the 100% income level only if the substitute sponsor or joint sponsor, *himself or herself*, is on active duty in the U.S. Armed Forces (other than for training) and the intending immigrant is the spouse or child of the substitute sponsor or joint sponsor.

To qualify for this exception, the petitioner must have provided evidence that he or she is on active duty, such as a military dependent's identification card for the sponsored intending immigrant (the spouse or child), or a photocopy of the military identification card of the sponsor (the spouse or parent).

Regardless of whether a sponsor qualifies for the military exception, all of his or her income counts toward the 125% (or 100%) income requirement, including (in

the case of Armed Forces personnel) any allotments received for the dependents.

(B) Poverty Guidelines. Form I-864P, Poverty Guidelines, provides the Federal Poverty Guidelines calculated at both the 100% level and 125% level for the 48 contiguous states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands and Guam. Separate guidelines are published for Alaska and Hawaii.

The Form I-864P guidelines are based on household sizes of 2 to 8. A dollar amount is provided to add for each additional household member or dependent. To determine the requirement for a household size of 10, USCIS should take the poverty line for a household size of 8 and add the additional dollar amount multiplied by 2.

Form I-864P is based upon the Federal Poverty Guidelines that the Department of Health and Human Services (HHS) publishes annually in the Federal Register (usually in February or March). (See “Federal Register Publications” under the “Immigration Law and Regulations” button on *I-LINK*). In concert with the Federal Poverty Guidelines, USCIS annually updates Form I-864P, Poverty Guidelines. USCIS begins to apply the updated Form I-864P guidelines to adjustment of status applications received on the first day of the second month after the HHS guidelines are published.

(C) Determining the Sponsor’s Ability to Provide Sufficient Support. If the sponsor is using Form I-864EZ, he or she must only use his or her salary or pension as shown on his or her most recent Federal income tax return. If the sponsor provides a photocopy of the return, the sponsor must include a copy of any Form(s) W-2 provided by the sponsor’s employer(s) to prove income from employment and/or Form(s) 1099 to show pension income; if a W-2 or 1099 is missing, follow the guidance in the second note under paragraph 20.5(e)(2). As with other sponsors, these copies are not needed if the sponsor provides an IRS transcript of the return. (See Part 1(a) of Form I-864EZ.) If sponsor relies on other types of income, the sponsor must use Form I-864. The sponsor must also use Form I-864, rather than Form I-864EZ, if the sponsor will be submitting any Forms I-864A.

Regardless of the form the sponsor uses, he or she must provide evidence of any income (and/or assets in the case of Form I-864) used to demonstrate the means to maintain the sponsored immigrant.

Sponsors who use Form I-864 may qualify based only upon their own income and/or assets if either or both are sufficient to reach the income requirement. If, however, the sponsor’s combined income and assets are not sufficient to meet

the governing threshold, the sponsor may include the income and/or assets of another household member if the household member:

- Is at least 18 years old;
- Is included in the calculation of household size;
- Has the same principal residence as the sponsor (or is the sponsor's spouse); and
- Has completed and signed a Form I-864A.

USCIS should ensure that each Form I-864A is completed and signed by the sponsor and the household member.

As noted above, the intending immigrant does not need to sign a Form I-864A if he or she is immigrating alone (that is, has no accompanying dependents). In this situation, the intending immigrant should be listed on line 24(e) and should be the only person listed in 24(b), with his or her income listed on that line and value of assets listed on the appropriate line(s) in item 28.

(D) Federal Tax Return(s). No matter whether a sponsor submits Form I-864 or I-864EZ, the sponsor must provide a copy or an IRS-generated transcript of the sponsor's Federal income tax return for the sponsor's most recent tax year. Each Federal tax return must include all the supplements and attachments that were sent to the IRS with the tax return. For purposes of demonstrating means to maintain income, the determining income amount is the income, before deductions, on the sponsor's income tax return. In other words, income means an individual's total income (adjusted gross income for those who file IRS Form 1040EZ) for purposes of the individual's U.S. Federal income tax liability, including a joint income tax return (e.g., line 22 on the 2005 IRS Form 1040, line 15 on the 2005 IRS Form 1040-A, or line 4 on the 2005 IRS Form 1040EZ or the corresponding line on any future revision of these IRS Forms).

Note that, by signing the Form I-864 or Form I-864EZ under penalty of perjury, a sponsor certifies that the transcript or photocopy is true and correct. This certification meets the statutory requirement of presenting a "certified" copy of the transcript or photocopy. Certification of the returns by the IRS is not necessary; the sponsor's certification under penalty of perjury is sufficient.

If a sponsor filed a joint tax return with a spouse, but is qualifying using only his/her own individual income, the sponsor must submit evidence of that individual income. This evidence would include, for example, the sponsor's own W-2(s), Wage and Tax Statement, and if necessary to reach the income

requirement, evidence of other income reported to IRS which can be attributed to him/her, usually on Forms 1099.

(E) Other Evidence of Income. For purposes of demonstrating means to maintain income, the total income, before deductions, in the sponsor's tax return for the most recent taxable year will be generally determinative. There is no requirement to determine whether the sponsor would have met 125% (or 100%) of the governing Poverty Guideline before the most recent tax year. Income tax information from these years should only be used to take the earning trend into consideration when assessing current and future earning capability.

USCIS, however, may consider other evidence of income (e.g., pay stub(s), employer letter(s), or both), if (1) the sponsor establishes that he/she was not legally obligated to file a Federal income tax return for the most recent tax year, or (2) USCIS determines that the income listed on the Federal tax return for the sponsor's most recent tax year does not meet the governing threshold. In other words, if the sponsor's current income is sufficient, it can establish that the Form I-864 itself is sufficient even if the tax return without any other documentation might warrant a finding that it is not sufficient. For example, if the sponsor recently started a new job (that USCIS is satisfied will likely continue) and the income from the job now meets or exceeds the legal requirement, USCIS may find the Affidavit of Support to be sufficient, notwithstanding information included in the transcript or copy of the tax return(s).

By contrast, 8 CFR 213a.2(c)(2)(ii)(C) permits USCIS to conclude that a Form I-864 is not sufficient, even if the sponsor's household income meets the Poverty Guideline threshold. USCIS should make this conclusion only if the evidence of record makes it "reasonable to infer that the sponsor will not be able to maintain his or her household income at a level sufficient to meet his or her support obligation." For example, if the sponsor's income is from a job that is merely temporary or seasonal, USCIS might reasonably conclude that the income is likely not to continue, and could also conclude that the Affidavit of Support, for that reason, is not sufficient.

If the household income meets the Poverty Guidelines threshold, however, USCIS will generally conclude that the Form I-864 is sufficient. There must be some specific reason, supported by evidence in the record, to conclude that the Form I-864 is not sufficient.

(F) Means-Tested Public Benefits Received by the Sponsor. USCIS has decided that, as a matter of policy, it will require the sponsor to disclose his or her receipt of means-tested public benefits and not consider the fact that a sponsor has received such means-tested public benefits in the past to be an adverse factor in evaluating a Form I-864 or Form I-864EZ. However, the

sponsor may not include any means-tested benefits currently being received in calculating the household income.

(G) Compare Total Household Income with Governing Poverty Guideline. If the sponsor's total household income (line 24c of Form I-864 or line 18 of Form I-864EZ) is greater than or equal to the governing Poverty Guideline threshold, the sponsor does not need to show evidence of assets and does not require a joint sponsor. In this case, USCIS may move to Part 8 of Form I-864 or Part 6 of Form I-864EZ.

If a Form I-864EZ does not demonstrate means to maintain the required income, USCIS may choose to request that the adjustment of status applicant submit a new Form I-864 from the sponsor (if the applicant seeks to qualify based on showing "significant assets"), or to submit a sufficient Form I-864 from a joint sponsor. Note that this request for evidence would go to the applicant, not the sponsor.

If a Form I-864 does not demonstrate means to maintain the required income, USCIS should consider the assets listed in Part 7 of the form.

(5) Part 7 of Form I-864: Use of Assets to Supplement Sponsor's Income. If a sponsor cannot meet the Poverty Guideline requirement based upon total household income listed on line 24c, he or she may show evidence of assets owned by the sponsor, and/or members of the sponsor's household, that are available to support the sponsored immigrant(s) and can be readily converted into cash within 1 year.

For assets of the intending immigrant and/or household member to be considered, the household member must complete and sign Form I-864A. USCIS should check to make sure that the Form I-864A is completed and signed by the sponsor and the household member.

(A) Evidence of assets. Evidence of the sponsor's assets should be attached to the Form I-864. Evidence of the principal sponsored immigrant's and/or household member assets should be attached to Form I-864A. In each instance, the evidence should establish the location, ownership, and value of each listed asset, including any liens or liabilities for each listed asset. Evidence of assets includes, but is not limited to:

- Bank statements covering the last 12 months, or a statement from an officer of the bank or other financial institution in which the sponsor has deposits, including deposit/withdrawal history for the last 12 months, and current balance;
- Evidence of ownership and value of stocks, bonds, and certificates of deposit,

and dates acquired;

- Evidence of ownership and value of other personal property and dates acquired; and
- Evidence of ownership and value of any real estate and dates acquired.

(B) Amount of assets required. In order to qualify using assets, the total net value of all assets must generally equal at least five times the difference between the sponsor's total household income and the minimum income requirement for the current year.

Example for a household size of 4:	
125 percent of 2006 Poverty Guideline	\$25,000
Sponsor's income	<u>\$19,500</u>
Difference	\$5,500
Multiply by 5	<u> x 5</u>
Minimum Required Net Value of Assets	\$27,500

There are two exceptions, however:

- If the adjustment of status applicant intends to immigrate as a spouse of a U.S. citizen or as the child of a U.S. citizen who will not become a citizen under section 320 of the Act because the child has already reached his or her 18th birthday, the "significant assets" requirement will be satisfied if the assets equal three times, rather than five times, the difference between the applicable income threshold and the actual household income.

Example for a household size of 4:	
125 percent of 2006 Poverty Guideline	\$25,000
Sponsor's income	<u>\$19,500</u>
Difference	\$5,500
Multiply by 3	<u> x 3</u>
Minimum Required Net Value of Assets	\$16,500

- If the adjustment of status applicant intends to immigrate as an IR-4 immigrant (orphans coming to the United States for adoption), the parents' assets only need to equal or exceed the difference between the applicable income threshold and the actual household income.

Example for a household size of 4:	
125 percent of 2006 Poverty Guideline	\$25,000
Sponsor's income	<u>\$19,500</u>

Difference (Minimum Required Net Value of Assets) \$5,500

(6) Joint Sponsors. If the petitioner or substitute sponsor cannot demonstrate ability to maintain a household income of at least 125% (or 100% when applicable) of the Federal Poverty Guidelines, the intending immigrant may meet the Affidavit of Support requirement by obtaining a joint sponsor who is willing to accept joint and several liability with the principal sponsor as to the obligation to provide support to the sponsored alien and to reimburse agencies who provide means-tested benefits to the sponsored alien during the period that the Affidavit is enforceable. The regulations at 8 CFR 213a.2(c)(2)(iii)(C) allow but do not require two joint sponsors per family unit intending to immigrate based upon the same family petition. Further guidance regarding joint sponsors may be found at paragraph (d)(7) above.

(7) Part 8 of Form I-864 or Part 6 of Form I-864EZ. Part 8 of Form I-864 or Part 6 of Form I-864EZ constitute the bulk of the contract and covers the purpose of the Affidavit of Support, which is to overcome the public charge grounds of inadmissibility. It also includes the notice of change of address requirements (the sponsor must notify the Secretary of Homeland Security of the sponsor's new address within 30 days of any change of address by filing Form I-865 with USCIS), means-tested benefit prohibitions and exceptions, consideration of the sponsor's income in determining eligibility for benefits and the civil action to enforce the Affidavit. Additionally, it requires a certification under penalty of perjury that the sponsor is aware of the legal ramifications of being a sponsor under section 213A of the Act.

After placing the sponsor under oath, USCIS should verify that the portion under "Concluding Provisions" has been completed.

Once signed, the concluding provisions satisfy the statutory requirement that the sponsor must make a written statement under penalty of perjury indicating that the copies of the Federal income tax returns submitted with the Affidavit of Support are true copies of the returns filed with the Internal Revenue Service.

A photocopy of the signed Form I-864 may be submitted for each spouse and/or child of the principal beneficiary of the adjustment of status application. Copies of supporting documentation are not required.

(8) USCIS Completion of "Agency Use Only" Box. In adjustment cases adjudicated by USCIS, USCIS must complete the "Agency Use Only" box on the first page of the Form I-864 or Form I-864EZ. If the petitioner sponsor does *not* qualify, USCIS should check the box "Does not meet." In order for the applicant to be approved, there must be in the file another Form I-864 that meets the requirements from a joint sponsor. In such a case, USCIS must check the "Meets" box, and then sign, date, and note the office code for location.

In cases adjudicated by an immigration judge where the judge did not complete the Agency Use Only box, USCIS will complete the processing of the case after the judge's decision by completing the box on the USCIS copy of the Form I-864 by checking either the "Meets" or the "Does not meet" box. USCIS must then add a notation, "Adjustment application approved (or denied) by U.S. Immigration Court at (place) on (date)." USCIS will then sign, date, and note the office code for location.

(9) Verification of Information. The Government may pursue verification of any information provided on or with Form I-864, I-864EZ, I-864A (e.g., employment, income, and/or assets) with the employer, financial or other institutions, the Internal Revenue Service, or the Social Security Administration.

If USCIS finds that a sponsor, joint sponsor, or household member has concealed or misrepresented material facts concerning income, household size, or any other material fact, USCIS shall conclude that the Affidavit of Support is not sufficient to establish that the sponsored immigrant is not likely to become a public charge. In this situation, the sponsor or joint sponsor may be liable for criminal prosecution under the general statutes relating to the submission of fraudulent immigration documents. Failure of the sponsor or joint sponsor to provide adequate evidence of income and/or assets will result in the denial of the application for adjustment to lawful permanent residence status.

(I) Insufficient Affidavits Submitted in Support of Adjustment Applications. The Affidavit of Support is not a separate application. It is supporting documentation for an adjustment of status application. Correspondence regarding insufficient Affidavits of Support should be sent to the adjustment applicant and his/her legal representative, but not to the sponsor.

If the Form I-864 or I-864EZ is insufficient, and procedures for requesting additional evidence have been exhausted, the entire adjustment of status application should be denied because the intending immigrant is inadmissible on public charge grounds in addition to any other reasons why the adjustment case may be denied.

The following language should be included in a denial letter of an adjustment of status application which does not fulfill the requirements under section 213A of the Act:

You are not eligible for adjustment of status under INA 245 (a)(2), because you are inadmissible as an alien who is likely at any time to become a public charge pursuant to INA 212(a)(4)(C). 8 USC 1182(a)(4)(A) and 1255(a)(2). If you are an alien seeking adjustment of status as (insert appropriate category: an immediate relative, a family based immigrant, or an employment based immigrant who will be employed by a relative or a relative's firm) you are inadmissible under this

ground unless an Affidavit of Support that meets the requirements of INA 213A, 8 U.S.C. 1183a, has been filed on your behalf. The Affidavit(s) of Support provided in your case does not meet the requirements of section 213A because (insert appropriate language/deficiency; e.g. failure to meet the income requirement, ineligible sponsor, etc.)

Note: This language must be modified in order to address the specifics of each case, including any other reasons for denial. If the applicant is denied due to an ineligible sponsor, be sure to include the reason why the sponsor is ineligible, e.g., the sponsor cannot be a corporation, organization, or other entity, the sponsor is not at least 18 years of age, etc. Details regarding the sponsor's personal financial matters should not be revealed in the denial letter to the adjustment applicant unless the denial is based at least partially upon such information.

(m) Service Center Processing. The processing of the packet of forms which subsequently produce an alien registration card (I-181, I-485 or OS-155A) includes data entry of Affidavits of Support when they are required by statute.

If an applicant fails to submit an Affidavit of Support when one is required, USICS will request that an Affidavit of Support be submitted before the case can be adjudicated.

In those instances where one or more Affidavits of Support are contained in the packets, data from each of them will be entered into CLAIMS as a subscreen of the I-485 or visa to which it is attached.

The types of data entry at the Service Centers will be:

- Forms I-864 attached to a Form OS-155A, immigrant visa received from Ports of Entry;
- Forms I-864 attached to a Form I-485 filed and adjudicated at the Service Center; or
- Forms I-864 attached to Form I-485 filed and/or adjudicated at local offices. The data entry in most of these cases will be attached to the data entry of a "copy 3" of Form I-181.

All Forms I-864 will be maintained in the same A or T File in which the controlling form is stored. There is no data entry of information from Form I-864A.

(n) Statistical Reporting. Effective October 1, 2005, hours and actions are tracked on Form G-23.3, Line 171S. Reporting Instructions are provided in the document entitled, "Examinations Activity: G-22.2, G-22.2a, G-22.3, G-22.3a Adjudications Summary Procedures." These procedures implement Administrative Manual (AM) Policy Statement 3.1.101.

(o) Termination of Sponsor's Obligation and Enforcement. The obligations created under Form I-864 and I-864A terminate when the sponsored alien:

- Becomes naturalized;
- Is credited with at least 40 quarters of employment in the Social Security system;
- Loses or abandons his or her lawful permanent resident status; or
- Dies.

Note: For any qualifying quarter to be creditable for any period beginning on or after December 31, 1996, the alien must not have received any Federal means-tested public benefit during that quarter. A Federal means-tested public benefit is any public benefit funded in whole or in part by funds provided by the Federal Government that the Federal agency administering the Federal funds defines as a Federal means-tested public benefit under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193). Federal means tested benefits include: SSI (Supplemental Security income), TANF (Temporary Assistance for Needy Families), food stamps, Medicaid, and State Child Health Insurance Programs (SCHIP). State and local means tested benefits vary by jurisdiction.

Note: The qualifying quarters worked by a parent of, or the spouse of such alien during the marriage to the alien may often be credited to the alien beneficiary.

If the sponsored immigrant is the sponsor's child, the legal obligation made in the Affidavit of Support is not terminated by the child's adoption after acquiring permanent residence.

If the sponsored immigrant is the sponsor's spouse, divorce will not terminate the legal obligation made in the Affidavit of Support.

Even when the support obligation has been terminated, the sponsor, or the sponsor's estate may still be held liable for any reimbursable amount that accrued before the termination of the obligation.

(p) Reimbursement Requests. USCIS is not directly involved in enforcing an Affidavit of Support sponsor's obligation to reimburse an agency for means tested public benefits. USCIS does, however, make information about the sponsor available to an agency seeking reimbursement. Upon the receipt of a duly issued subpoena, USCIS will provide the agency with a certified copy of a sponsor's Form I-864.

In addition, USCIS routinely provides the sponsor's name, address, and Social Security number to Federal, state, and local agencies providing means-tested benefits. This information is used to determine whether a sponsored immigrant who is applying for benefits is eligible for them. These queries are submitted to USCIS on Forms G-845, G-845S, and the G-845 Supplement.

(q) Sponsor's Address Change Notification. Under section 213A(d) of the Act, the sponsor must notify the Secretary of Homeland Security of the sponsor's new address within 30 days of any change of address. The sponsor meets this obligation by completing and filing Form I-865 with USCIS. USCIS is obligated by statute to maintain the address and social security number of all sponsors in an automated system.

If a sponsor fails to satisfy this requirement, USCIS may, after notice and opportunity to be heard, impose on the sponsor a civil penalty of not less than \$250 or more than \$2,000, or if such failure occurs with knowledge that the sponsored alien has received any means-tested public benefits (other than benefits described in 401(b), 403(c)(2), or 411(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) not less than \$2,000 or more than \$5,000.

2. The *AFM Transmittal Memoranda* button is revised by adding a new entry, in numerical order, to read:

AD 06-20 June 27, 2006	Chapter 20.5	This memorandum replaces Chapter 20.5 of the <i>Adjudicator's Field Manual (AFM)</i> with a revised Chapter 20.5.
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cc: USCIS Headquarters Directors
Bureau of Immigration and Customs Enforcement
Bureau of Customs and Border Protection

FW: FOIA request for information

Thursday, January 07, 2016

11:40 AM

Subject	FW: FOIA request for information
From	Boatright, Colin J
To	Sams, Brian W
Cc	Lutz, Brian C; Henry, Jean M; Hartmann, Rosemary M; Dashner, Richard E; Martinez, Monica A; Badger, David P
Sent	Wednesday, December 30, 2015 2:30 PM
Attachments	 HQ Memo ...  HQ Memo ...  HQ Memo ...

Brian,

As you indicated below, NSC's EB 485 sections seldom see Form I-864, so we only have limited materials on it. Form I-864 is considered supporting evidence only and are not reviewed on the same level as, say, a Family-Based adjustment. Christian combed through our material and provided it below:

1. 5/14/2004 USCIS policy memo guidance on affidavits of support, attached
2. 12/16/2010 USCIS policy memo on INA 204(I), including guidance on I-864 for such cases starting page 2, attached
3. 4/15/2015 USCIS policy memo on CSPA sought-to-acquire extraordinary circumstances, including mention of I-864 for such cases starting page 5, attached
4. The I-864 "reminder blurb," below, from the November 2015 refresher training (note: the remainder of the packet does not deal with I-864 and contains LES information about TECS, SEVIS, etc.)
5. The I-864 presentation from the EB 485 initial internal EB officer training (again, the portions of the EB training not pertaining to Form I-864 are precluded)
6. The lone I-864 standard RFE we have at NSC for EB 485s. There is no EB 485 NOID or denial specific to I-864s.
7. Lastly, Chapter 20.5 of the Adjudicator's Field Manual (AFM) on I-864, linked here:
<http://connect.uscis.dhs.gov/workingresources/Source/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-2825/0-0-0-3004.html#0-0-0-561>

Item 4:

I-864 {8 CFR 213.a.1 (definitions) & 213.a.2(a)(2)(i)(C) & AFM 20.5} (Part 3)

- Added by IIRIRA.
- I-140 employer is relative that owns 5% or more of petitioning entity
- Such relative must complete the I-864.
- Relative – husband, wife, father, mother, child, adult son, adult daughter, sibling if USC
- See Other references [INA 212\(a\)\(4\)\(D\)](#) & [213A](#)

Item 5:

Can be concurrently filed with I-485

Form I-212: Application for Permission to Reapply for admission to the US after Deportation or Removal

Form I-824: Application for Action on Approved Application or Petition

Form I-864: Affidavit of Support (if required)



U.S. Citizenship
and Immigration
Services

EB Adjustment Team, NSC

September 2013

13

Form I-864 & I-485 EB

The Form I-864, Affidavit of Support Under Section 213A of the Act, was made a requirement by the amendments to the Act by IIRIRA.

Employment Based Adjustment Applicants generally do not require the I-864. The I-864 is required under limited circumstances.

Applicants filing employment-based I-485s for whom the petitioning employer is a relative; or, applicants of whom a relative owns a significant interest (5% or more) in the petitioning entity must complete the I-864. (see 8 CFR 213.a.1 (definitions) & 213.a.2(a)(2)(i)(C) & AFM 20.5) These will generally be relocated.

Other references INA 212(a)(4)(D) & 213A



U.S. Citizenship
and Immigration
Services

EB Adjustment Team, NSC

September 2013

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Item 6:

EBS RFE 039

Relative(s) Ownership of Employer, I-864 May Apply

Submit evidence of the ownership of your intended permanent employer. Indicate each owner and his/her percentage of ownership. Additionally, indicate any familial relationship(s) you have to any owner(s).

Please be advised that if your intended permanent employer is a relative of yours, or a relative of yours owns a significant interest (5% or more), a Form I-864, Affidavit of Support is required. A relative, for this purpose, is defined as a spouse, parent, child, adult son or daughter, or sibling. Blank forms and instructions may be downloaded online from www.uscis.gov under "forms."

Colin J. Boatright
Section Chief, Employment Division
Employment Based Adjustments
Nebraska Service Center – Star Building
(402) 323-2653

From: Boatright, Colin J
Sent: Wednesday, December 30, 2015 1:17 PM
To: Carvalho, Christian A

Subject: FW: FOIA request for information

Importance: High

SharePoint Tasks Staffing Request

List: http://ecn.uscis.dhs.gov/team/esd/Division/NRC/Branches/FOIA_OPS/SIG/SIG%20Case%20Tracking/Lists/Task

Christian,

With your familiarity with the training material, I was hoping you could assist with this effort. We have a short turnaround on this, so anything you can do to help would be appreciated.

Thanks,

-Colin

From: Sams, Brian W

Sent: Wednesday, December 30, 2015 1:15 PM

To: Boatright, Colin J; Henry, Jean M; Martinez, Monica A; Badger, David P

Cc: Lutz, Brian C; Dashner, Richard E; Hartmann, Rosemary M

Subject: FOIA request for information

Importance: High

SharePoint Tasks Staffing Request

List: http://ecn.uscis.dhs.gov/team/esd/Division/NRC/Branches/FOIA_OPS/SIG/SIG%20Case%20Tracking/Lists/Task

Good afternoon,

I have attached a FOIA request for documentation relation to the I-864. I know that the EB world doesn't deal with this form very often however it is sometimes required. Please attempt to locate any training materials or memorandum relating to the I-864, I-864A, I-864EZ, and I864W in your respective centers 485EB training materials. This includes any materials used for training of DHS or contractor staff used between 12-1-2011 and 12-1-2015. In addition if there are any ECHO templates (RFE only) that are used in connection with the I-864 versions listed please include those as well. If possible please respond by COB Thursday December 31st. Again this FOIA covers the preceding four years. Thank you for your assistance.

Brian Sams

Adjudications Officer

Adjustment and Naturalization Branch (ANTZ)

Service Center Operations Directorate

US Citizenship & Immigration Services

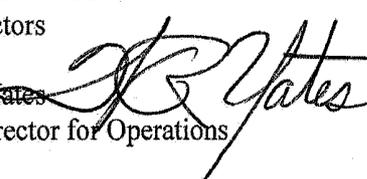


U.S. Citizenship
and Immigration
Services

HQOPRD 72/11.3

Interoffice Memorandum

To: Regional Directors
Service Center Directors
District Directors

From: William R. Yates 
Associate Director for Operations

Date: May 14, 2004

Re: Affidavit of support, employment letters, and ability to pay determinations.

Purpose

This memorandum provides instructions for CIS adjudicators concerning three frequently encountered elements in the adjudication of certain visa petitions and the related applications for adjustment of status:

- (1) the income-tax return requirement for affidavits of support (AOS);
- (2) the validity of the employment letter offered by the petitioner; and
- (3) the determination of the petitioning employer's ability to pay.

This memorandum discusses, for certain situations in each of these three areas, when a request for evidence (RFE) is not required.

Background

Due to lengthy processing times, CIS adjudicators often require applicants or petitioners (and, in the case of AOS, sponsors) to update information received at the time of filing prior to the determination on the adjustment application. Adjudicators solicit the new information via an RFE. This practice has resulted in a significantly elevated RFE rate, which has taxed CIS resources and increased processing delays. As such, in these three specific areas, CIS is clarifying when an RFE is not required.

www.uscis.gov

Procedural Guidance

I. Affidavit of Support

Section 213A of the Act requires most family-based adjustment of status applicants to file an Affidavit of Support on Form I-864 by a sponsor, and a joint sponsor as appropriate, along with their I-485, Application for Adjustment of Status. For employment-based immigrants, a Form I-864 is also required if a “relative”—that is, the alien’s citizen or permanent resident spouse, parent, child, adult son or daughter, or the alien’s citizen brother or sister—either filed the Form I-140 or owns at least a 5% interest in the equity of the firm that did file the Form I-140. The sponsor and joint sponsor, if any, must complete the Form I-864 and are required to include copies of his or her Federal income tax returns for “the individual’s 3 most recent taxable years.” By regulation, at 8 CFR 213a.2(c)(2)(ii), the sponsor must include evidence of current employment with the I-864 as well. In order to make the most efficient use of resources and to minimize processing delays, field offices are instructed to take steps in accordance with the following:

- As a general rule, the phrase “the individual’s 3 most recent taxable years” in section 213A(f)(6)(A)(i) of the Act will mean the three tax years immediately preceding the *signing* of the Form I-864. For example, if the sponsor signed the Form I-864 on January 3, 2004, the sponsor should submit the tax returns for 2000, 2001 and 2002 (since the 2003 return is not due until April 15, 2004). Officers may rely on the tax returns submitted with the original I-864 as evidence of the sponsor’s ability to support the alien at 125% (or 100% as applicable) of the poverty guidelines for the sponsor’s household size. Where the adjudicator determines that the sponsor has the ability to support the alien, it would not be necessary to request more recent tax returns.
- Officers may use the employment information for the sponsor submitted at the time of filing. Officers may update employment information during interviews, or send an RFE for updated employment information whenever there is reason to question the continuing validity of the information.

II. Employment Letter Validity

Generally, the *bona fides* of the employer and the job offer (where required) are reviewed during the labor certification and visa petition stages of the employment-based immigration process. When an employer files a petition and also when the alien files for adjustment of status, the petitioner/applicant is instructed to submit a letter on the letterhead of the petitioning employer. This letter must confirm that the offer of employment remains valid, that the employment on which the visa petition is based is still available to the alien, and that the salary offered will be paid. To minimize processing delays, CIS adjudicators are instructed to take steps in accordance with the following:

- When reviewing the employment letter, adjudicators should assume that the offer of employment, as documented by the letter submitted at the time of filing, remains valid unless there is an articulable basis for questioning such validity or a change in facts clearly evidencing that the job offer is no longer valid (for example, the petitioner withdrew the petition or material changes in the circumstances of the petitioner, such as large-scale layoffs or bankruptcy filings). In general, the passage of time between the filing of a petition or application and adjudication (the standard “backlog” time) does not, without more, normally constitute an articulable basis for questioning the validity of the job offer.

III. The Prospective Employer’s Ability to Pay

Generally, the *bona fides* of the employer’s ability to pay are evaluated by the Department of Labor during review of a labor certification and by CIS during the visa petition stage of the employment-based immigration process. The regulations at 8 CFR 204.5(g)(2) require that the employer demonstrate the ability to pay the alien the proffered wage “until the beneficiary obtains lawful permanent residence.” When adjudicating the visa petition, the CIS adjudicator must determine that (1) the petitioner had the ability to pay at the time of filing the visa petition *and* (2) such ability to pay will reasonably continue in the future. To minimize processing delays, CIS adjudicators are instructed to take steps in accordance with the following:

- When reviewing Form I-485, CIS adjudicators should assume that the prior CIS determination at the petition stage (both for Forms I-140 and I-360) that the petitioner has the ability to pay the proffered wage and will continue to be able to do so in the future remains correct unless there is an articulable basis for questioning such determination or a change in facts clearly evidencing that the petitioner no longer has the ability to pay (for example, large-scale layoffs or bankruptcy filings). In general, the passage of time between the approval of the visa petition and the adjudication of the adjustment application does not, without more, normally constitute an articulable basis for questioning whether the petitioner continues to have the ability to pay the proffered wage.

In the limited cases where the adjudicator is able to articulate a well-founded basis for questioning the petitioner’s ability to pay, the correct venue in which to make a determination that the petitioner can no longer meet the ability to pay requirement is through the labor certification or petition revocation process. In such cases, a notice of intent to revoke should be issued according to current revocation policies.

Effective Date

The instructions in this memorandum take effect immediately and will supercede all previous memoranda or standard operating procedures and apply both to cases pending on the date of this memorandum and those filed on or after this date. The appropriate standard operating procedures should be amended to reflect these instructions.

To: Regional Directors, Service Center Directors, District Directors & Officers-in-Charge
Re: Affidavit of support, Employment letters, and Ability to pay determinations

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Notice

This memorandum is intended solely for guiding USCIS personnel in performance of their professional duties. It is not intended to be, and may not be relied upon, to create any right or benefit, substantive or procedural, enforceable at law by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Moreover, this memorandum is not meant to signify, in any way, that an applicant or petitioner for an immigration benefit does not need to respond to a request for evidence issued by CIS within the appropriate time period.



December 16, 2010

PM-602-0017

Policy Memorandum

SUBJECT: Approval of Petitions and Applications after the Death of the Qualifying Relative under New Section 204(l) of the Immigration and Nationality Act

Revisions to *Adjudicator's Field Manual* (AFM): New Chapter 10.21 and an Amendment to Chapter 21.2(h)(1)(C) (AFM Update AD-10-51)

Purpose

This Policy Memorandum (PM) ensures that USCIS uniformly and consistently adjudicates petitions and applications in light of section 204(l) and 213A(f)(5) of the Immigration and Nationality Act ("the Act"), 8 U.S.C. §§ 1154(l) and 1183a(f)(5).

Scope

Unless specifically exempted herein, this PM applies to and is binding on all USCIS employees.

Authority

Sections 204(l) and 213A(f)(5) of the Act, 8 U.S.C. §§ 1154(l) and 1183a(f)(5), as amended by § 568(d) and (e) of the DHS Appropriations Act, 2010, Public Law 111-83 ("Public Law 111-83"), 123 Stat. 2142, 2187-88 (2009).

Background

For many years, USCIS had taken the position that the law did not permit the beneficiary of a visa petition to obtain approval of the petition if the petitioner died while the petition remained pending. *See Matter of Sano*, 19 I&N Dec. 299 (BIA 1985); *Matter of Varela*, 13 I&N Dec. 453 (BIA 1970).

New section 204(l) of the Act changes this governing law with respect to an alien who is seeking an immigration benefit through a deceased "qualifying relative." Section 204(l) permits the approval of a visa petition or refugee/asylee relative petition, as well as any adjustment application and related application, if the alien seeking the benefit:

- Resided in the United States when the qualifying relative died;
- Continues to reside in the United States on the date of the decision on the pending petition or application; and
- Is at least one of the following:
 - The beneficiary of a pending or approved immediate relative visa petition;

- o The beneficiary of a pending or approved family-based visa petition, including both the principal beneficiary and any derivative beneficiaries;
- o Any derivative beneficiary of a pending or approved employment-based visa petition;
- o The beneficiary of a pending or approved Form I-730, Refugee/Asylee Relative Petition;
- o An alien admitted as a derivative “T” or “U” nonimmigrant; or
- o A derivative asylee under section 208(b)(3) of the Act.

Section 568(d) of Public Law 111-83 does not expressly define the “qualifying relative.” From the list of aliens to whom the new section 204(l) applies, however, USCIS infers that “qualifying relative” means an individual who, immediately before death, was:

- The petitioner in a family-based immigrant visa petition under section 201(b)(2)(A)(i) or 203(a) of the Act;
- The principal beneficiary in a family-based visa petition case under section 201(b)(2)(A)(i) or 203(a) of the Act;
- The principal beneficiary in an employment-based visa petition case under section 203(b) of the Act;
- The petitioner in a refugee/asylee relative petition under section 207 or 208 of the Act;
- The principal alien admitted as a T or U nonimmigrant; or
- The principal asylee, who was granted asylum under 208 of the Act.

Section 568(e) of Public Law 111-83 provides a conforming amendment to INA section 213A(f)(5)(B) relating to affidavits of support. INA section 212(a)(4)(C) provides that, to avoid public charge inadmissibility, most immediate relatives and family-based immigrants, and some employment-based immigrants, must have filed an affidavit of support on their behalf that meets the requirements of INA section 213A. If, after the death of a qualifying relative, a visa petition is approved or not revoked under new INA section 204(l), then another individual who qualifies as a “substitute sponsor” must submit a Form I-864, Affidavit of Support under section 213A of the Act. If the alien is not required under sections 212(a)(4)(C) and 213A of the Act and 8 C.F.R. § 213a.2(a)(2)(ii) to have a legally binding affidavit of support, then there is no need for a substitute sponsor to submit a Form I-864.

Policy

USCIS officers will follow section 204(l) and section 213A(f)(5) of the Act, as amended by sections 568(d) and (e) of Public Law 111-83, and the amendments to the Adjudicator’s Field Manual (*AFM*) made by this PM, in adjudicating on or after October 28, 2009, any petition or application to which section 204(l) and section 213A(1)(5) apply.

Section 568(d) and (e) of Public Law 111-83 became effective on October 28, 2009 when the President signed Public Law 111-83. This PM applies to any case adjudicated on or after October 28, 2009 even if the case was filed before October 28, 2009.

For a case denied before October 28, 2009 USCIS policy is that an alien may file, with the proper filing fee, an untimely motion to reopen a petition, adjustment application, or waiver application, if new section 204(l) would now allow approval of a still-pending petition or application. See *AFM* chapter 20.5(c)(8), as added by this PM, for complete guidance on this issue.

Implementation

The AFM is amended as follows.

1. New Chapter 10.21 is added to the *AFM*, to read as follows.

10.21 Approval of pending immigrant visa petitions, T or U extension applications, asylee/refugee relative petitions, or applications after death of the qualifying relative.

(a) General. Except as specified in this chapter, if the approval of an immigrant visa petition, refugee/asylee relative petition or application for immigration benefits requires the existence of a family relationship between the alien and another individual, the death of the petitioner or other individual while the case is pending requires the denial of the petition or application.

(b) Widow(er)s of Citizens. Paragraph (a) of this chapter does not apply to a Form I-130 filed by a citizen on behalf of his or her spouse. Upon the death of the citizen petitioner, Form I-130 is converted to a widow(er)'s Form I-360. In light of the amendment to section 201(b)(2)(A)(i) of the Act by section 568(c) of Public Law 111-83, this conversion takes place even if the citizen and alien were married for less than 2 years when the citizen died.

In the case of a K-1 nonimmigrant who marries the petitioner within 90 days of admission, the K-1 nonimmigrant (and any K-2 children who are otherwise eligible) may obtain adjustment of status without the need for Form I-360, just as they would have been eligible for adjustment without Form I-130, if the petitioner had not died.

If an alien was admitted as a K-3 or K-4 nonimmigrant, the Form I-130 filed for the K-3 is converted to a Form I-360 upon the citizen petitioner's death. The K-4 can then "accompany or follow to join" the K-3 based on that Form I-360.

A widow(er)'s eligibility for adjustment ends if the widow(er) remarries before obtaining LPR status.

A USCIS officer may encounter a case in which a petition or application was approved before October 28, 2009, despite the death of the citizen spouse who filed the petition. The approval may have occurred because USCIS was unaware of the death, or because the alien persuaded USCIS that the death did not end eligibility. In some circuits, but not all, there were precedents from the relevant courts of appeals supporting approval of an immediate relative spousal Form I-130 after the petitioner's death. In light of those precedents, and given the intent of section 568(c) of Public Law 111-83, USCIS will deem the approval of the petition and the grant of adjustment proper, and will not seek to rescind a grant of adjustment, if the sole basis for doing so is the death of the citizen spouse and the resulting invalidity of the Form I-864 filed by the citizen spouse.

(c) Effect of Section 204(l) of the Act. Paragraph (a) of this chapter does not apply, and a petition or application may be approved despite the death of the qualifying relative, if section 204(l) of the Act, as amended by section 568(d) of the FY2010 DHS Appropriations Act, Public Law 111-83, applies to the case. See paragraph (c)(6) of this chapter concerning the authority to deny these cases on discretionary grounds.

Section 568(d)(2) of Public Law 111-83 specifies that new section 204(l) does not "limit or waive" any eligibility requirements or bars to approval of a petition or application other than the lack of a qualifying relative due to the qualifying relative's death. Thus, no other eligibility requirements are changed by the enactment of section 204(l).

(1) When Section 204(l) Applies. Section 204(l) of the Act applies to any immigrant visa petition, refugee/asylee relative petition, or application adjudicated on or after October 28, 2009, even if the petition or application was filed before that date. Section 204(l) allows the approval of a pending petition or application, despite the death of the qualifying relative, if the alien seeking the benefit of section 204(l):

- Resided in the United States when the qualifying relative died;
- Continues to reside in the United States on the date of the decision on the pending petition or application; and;
- Is at least one of the following:
 - The beneficiary of a pending or approved immediate relative visa petition;
 - The beneficiary of a pending or approved family-based visa petition, including both the principal beneficiary and any derivative beneficiaries;
 - Any *derivative* beneficiary of a pending or approved employment-based visa petition;
 - The beneficiary of a pending or approved Form I-730, Refugee/Asylee Relative Petition;
 - An alien admitted as a derivative "T" or "U" nonimmigrant; or
 - A derivative asylee under section 208(b)(3) of the Act.

The new section 204(l) does not expressly define the “qualifying relative.” From the list of aliens to whom new section 204(l) applies, USCIS infers that “qualifying relative” means an individual who, immediately before death was:

- The petitioner in an immediate relative or family-based immigrant visa petition under section 201(b)(2)(A)(i) or 203(a) of the Act;
- The principal beneficiary in a widow(er)’s immediate relative or a family-based visa petition case under section 201(b)(2)(A)(i) or 203(a) of the Act;
- The *principal* beneficiary in an employment-based visa petition case under section 203(b) of the Act;
- The petitioner in a refugee/asylee relative petition under section 207 or 208 of the Act;
- The principal alien admitted as a T or U nonimmigrant;
- The principal asylee, who was granted asylum under 208 of the Act.

Section 204(l) applies to a petition or application adjudicated on or after October 28, 2009, even if the qualifying relative died before October 28, 2009. If a petition or application was denied on or after October 28, 2009, without considering the effect of section 204(l), and section 204(l) could have permitted approval, USCIS must, on its own motion, reopen the case for a new decision in light of section 204(l). See chapter 10.21(c)(8) of this AFM for guidance on cases denied before October 28, 2009.

Section 101(a)(33) of the Act governs the determination whether an alien “resided” in the United States when the qualifying relative died, and whether the alien continues to reside in the United States. A person’s “residence” is his or her “principal, actual dwelling place in fact, without regard to intent.” If the alien’s “residence” was in the United States at the required times, the alien “resided” here. The statute does not bar an alien who was actually abroad when the qualifying alien died from proving that the alien still resides in the United States. Also, section 204(l) of the Act does not require the alien to show that he or she was, or is, residing here lawfully. Execution of a removal order, however, terminates an alien’s residence in the United States.

Sections 203(d), 207(c)(2)(A), and 208(b)(3)(A) permit the spouse or child of a principal alien to accompany or follow to join a principal alien. If any *one* beneficiary of a covered petition meets the residence requirements of section 204(l) of the Act, then the petition may be approved, despite the death of the qualifying relative, and *all* the beneficiaries may immigrate to the same extent that would have been permitted if the qualifying relative had not died. But it is not necessary for each beneficiary to meet the residence requirements in order to have the benefit of section 204(l).

(2) Widow(er)s of Citizens. As stated in paragraph (b) of this chapter, section 204(l) does not apply to a Form I-130 filed by a now-deceased citizen on behalf of his or her spouse. Because of the automatic conversion of the Form I-130 to a Form I-360, there

is no longer any Form I-130 to which section 204(l) can apply. Please refer to Chapter 10.21(c)(5) concerning the effect of section 204(l) on the widow(er)'s ability to seek a waiver of inadmissibility, after the death of the citizen spouse.

(3) Action in Pending Petition Cases. Provided the alien was residing in the United States when the qualifying relative died, and still resides in the United States, an officer now has authority to approve any immigrant visa petition or refugee/asylee relative petition that was pending when the qualifying relative died if the petition is covered by section 204(l) of the Act, *provided* the petition was approvable when filed and still is approvable, apart from the death of the qualifying relative. Therefore, assuming all other requirements for approval of a petition are met, the death of the qualifying relative no longer requires denial of a petition in a case involving an alien who meets the requirements of new INA section 204(l).

Section 568(d)(2) of Public Law 111-83 specifies that new section 204(l) does not "limit or waive" any eligibility requirements or bars to approval of a petition or application other than the lack of a qualifying relative due to the qualifying relative's death. Thus, no other eligibility requirements are changed by the enactment of section 204(l). For example, a petition to which section 204(l) applies may still be subject to denial under section 204(c) of the Act (relating to prior marriage fraud) or any other statutory bar to approval. Note also that paragraph (c)(6) of this chapter provides guidance concerning the authority to deny a case under section 204(l) as a matter of discretion.

An immigrant visa petitioner may withdraw a pending petition at any time before the admission or adjustment of the principal beneficiary. 8 C.F.R. § 103.2(b)(6). USCIS cannot adjudicate a petition that has been withdrawn. *See Matter of Cintron*, 16 I&N Dec. 9 (BIA 1976). Pursuant to section 204(l) of the Act, whether an employment-based petitioner is able to withdraw the petition and possibly affect the ability of principal beneficiary's alien widow(e) or children to immigrate on the employment-based visa, depends on when that petitioner is attempting to withdraw the petition. If the principal beneficiary is alive when the employer petitioner requests withdrawal of the petition, then USCIS will honor that request. On the other hand, if the withdrawal is dated after the death of the principal beneficiary, then USCIS will not give effect to the request for withdrawal since the employment-based petitioner no longer has any legal interest in the immigration of the principal beneficiary's widow(er) or children.

The situation of a family-based petitioner is different. A family-based petitioner must generally assume the affidavit of support requirements for the principal beneficiary's spouse and children. Thus, unlike employment-based petitioners, the immigration of the derivatives does have an effect on the family-based petitioner. Under section 204(l) of the Act, the petitioner may certainly continue to seek approval of the petition, after the death of the principal beneficiary, if at least one derivative was residing in the United States when the principal died, and continues to do so. USCIS will presume that the

family-based petitioner wants the case to continue to adjudication. But USCIS does not interpret section 204(l) of the Act as requiring the petitioner to do so. The death of the principal beneficiary does not alter the family-based immigrant visa petitioner's right to withdraw a petition. If the petitioner chooses to withdraw the petition, USCIS will honor that decision, and refrain from adjudicating the petition. *See Matter of Cintron.*

Section 204(l) of the Act requires that a T or U nonimmigrant surviving relative must have been admitted as a T or U nonimmigrant derivative at the time of death of the qualifying relative T or U nonimmigrant principal. Therefore, USCIS may not approve derivative status for a surviving relative whose qualifying relative died prior to approval of the derivative T application (I-914A) or derivative U petition (I-918A). However, USCIS officers should thoroughly review the case to determine whether the surviving relative may qualify as a principal T or U nonimmigrant. Also, if the surviving relative already had status as a T or U nonimmigrant derivative at the time of death of the qualifying relative, the surviving relative may apply for adjustment of status, as specified in paragraph (c)(4) of this chapter, notwithstanding the death of the principal, once the surviving relative has the requisite continuous physical presence in the U.S. If the principal dies prior to accrual of the requisite physical presence, the surviving relative may file a Form I-539 to apply for an extension of his or her T or U nonimmigrant status, notwithstanding the death of the principal, if necessary, until the surviving relative has accrued sufficient physical presence to apply for adjustment of status.

(4) Action in Pending Adjustment Cases. (i) General. An officer also has authority, now, to approve an adjustment of status application that was pending when the qualifying relative died, if the related visa petition is approved under section 204(l), or if a pre-death approval is reinstated. In the adjustment of status context, the alien must have been eligible to apply for adjustment of status at the time that application was filed. See Chapter 10.21(c)(5) for the impact of section 204(l) on waiver and other related applications.

Section 568(d)(2) of Public Law 111-83 specifies that new section 204(l) does not "limit or waive" any eligibility requirements or bars to approval of a petition or application other than the lack of a qualifying relative due to the qualifying relative's death. Thus, no other adjustment eligibility requirements are changed by the enactment of section 204(l).

For example, the death of the qualifying relative does not relieve the alien who is seeking adjustment under section 245(a) of the Act of the need to qualify for adjustment of status under section 245(a) of the Act. That is, unless the alien qualifies under section 245(i) of the Act, the alien must still establish a lawful inspection and admission or parole and is otherwise eligible for adjustment. An alien may not apply for adjustment before an immigrant visa is "immediately available." Section 245(c) of the Act may make the alien ineligible, if section 245(i) or (k) of the Act does not apply to the

alien. However, if there was a properly filed adjustment application pending and the beneficiary or the derivative beneficiary was eligible to adjust, approval or reinstatement of approval of a visa petition under section 204(l) will preserve any eligibility for adjustment that existed immediately before the qualifying relative died. For example, if an immediate relative petition is approved or a pre-death approval is reinstated under section 204(l) of the Act, the beneficiary remains eligible for the immediate relative exemptions in section 245(c), assuming the beneficiary is not barred from adjustment under sections 245(d) or 245(f) of the Act.

The death of a principal *refugee* has not, historically, affected the eligibility of a derivative refugee for adjustment under section 209(a) of the Act. See Memorandum from William R. Yates to Field Offices, “Procedural Guidance on Admission and Adjustment of Status for Refugees” at p. 9 (May 15, 2000). Thus, while section 204(l) may benefit the beneficiary of a Form I-730, if the principal dies before the derivative is admitted, reliance on section 204(l) is not necessary for a derivative who has already been admitted. By contrast, section 204(l) can benefit an alien who seeks adjustment based on a derivative asylum grant, under section 209 of the Act, as a derivative T nonimmigrant under section 245(l) of the Act, or as a derivative U nonimmigrant under section 245(m) of the Act. Any one of these aliens may still be eligible for adjustment, in light of section 204(l) of the Act, despite the death of a qualifying relative. But the alien must still establish that he or she is eligible for adjustment, apart from the qualifying relative’s death, under the governing statute.¹

Similarly, the applicant must be admissible, or must obtain any available waiver of inadmissibility. Section 204(l) of the Act, by its terms, does not automatically waive any ground of inadmissibility that may apply to an adjustment applicant. See Public Law 111-83, § 568(d)(2). Thus, an adjustment applicant whose case is governed by section 204(l) of the Act may need to apply for a waiver or other relief from inadmissibility. See paragraph (c)(5) of this chapter concerning the effect of section 204(l) of the Act on applications for waivers or other relief from inadmissibility.

Because section 204(l) of the Act does not waive the standard eligibility requirements for applying for adjustment, an alien who did not already have an adjustment application pending when the qualifying relative died may not be able to seek adjustment in every case in which a pending petition was approved, or an approved petition was reinstated, under section 204(l) of the Act. An alien whose petition has been approved or reinstated under new section 204(l) of the Act, but who is not eligible to adjust status, would not be precluded from applying for an immigrant visa

¹ In the past, USCIS has been willing to grant asylum as a principal to a derivative asylee who no longer qualified as a derivative. This action would preserve the derivative’s ability to adjust even if the derivative was no longer the spouse or child of a principal. Section 204(l) of the Act makes this step unnecessary, if the reason for the loss of derivative status is the death of the principal.

at a consular post abroad.² The approval of a visa petition under section 204(l) of the Act does not give an alien who is not eligible for adjustment of status, and who is not in some other lawful immigration status, a right to remain in the United States while awaiting the availability of an immigrant visa.

The death of the qualifying relative also does not relieve the alien of the need to have a valid and enforceable Form I-864, Affidavit of Support, if required by sections 212(a)(4)(C) and 213A of the Act and 8 C.F.R. § 213a.2. If the alien is required to have a Form I-864, and the visa petition is approved under section 204(l), a substitute sponsor will need to submit a Form I-864. Pub. L. 111-83, § 568(e), 123 Stat. at 2187. A substitute sponsor is needed *even if* the deceased petitioner had filed a Form I-864. A Form I-864 is not a “petition” nor is it an application or “related application.” The Form I-864 is a contract between the sponsor and the Government, submitted as evidence in support of a visa or adjustment application. DHS regulations clearly provide, moreover, that a sponsor’s obligations under a Form I-864 do not take force until the alien actually immigrates. 8 C.F.R. § 213a.2(e)(1). It is the grant of LPR status that is the Government’s “acceptance” of the sponsor’s offer to be bound by the Form I-864. The sponsor’s obligations terminate with the sponsor’s death. 8 C.F.R. § 213a.2(e)(2)(ii).

Also, the affidavit of support has an important role, beyond establishing that the sponsored alien is not inadmissible on public charge grounds. The sponsor’s income may be deemed to the sponsored alien in determining the sponsored alien’s eligibility for means-tested public benefits. 8 U.S.C. §§ 1631 and 1632. The sponsor is also responsible for reimbursing an agency for the costs of any means-tested public benefit provided to the sponsored alien. Section 213A(b) of the Act.

Accepting as still valid a Form I-864 from someone whom USCIS knows to be dead would work against each of these vital aspects of the affidavit of support requirement. Thus, there is no longer a valid and enforceable Form I-864 if the sponsor dies while the petition, visa application, or adjustment application is pending.³

(ii) Adjustment not subject to conditions under section 216 of the Act. An alien who acquires LPR status based on a marriage entered into less than 24 months before the alien acquires LPR status obtains LPR status on a conditional basis under section

² The alien must have been continuing to reside in the United States in order for the petition to have been approved. Once it has been approved, however, the alien’s departure to obtain a visa would not change the fact that the alien met the residence requirements when the officer adjudicated the petition.

³ A substitute sponsor’s Form I-864 is not needed if the alien is not required to have a Form I-864 at all. For example, an alien may already have, or be entitled to be credited with, sufficient quarters of coverage under the Social Security Act to be exempt from the Form I-864 requirement. *See* 8 C.F.R. § 213a.2(a)(2)(ii)(C). Also, as with any Form I-864, the substitute sponsor may rely on the financial resources of the sponsored alien to meet the Form I-864 requirements. *See id.* § 213a.1 (including sponsored alien’s lawful income in the United States in “household income”) and § 213a.2(a)(iii)(B) (including sponsored alien’s assets).

216 of the Act. Generally, the alien must then petition, two years later, for removal of the conditions. If the qualifying marriage has already ended by death, however, a condition for removal of the conditions already exists. For this reason, if a Form I-130 and Form I-485 are approved under section 204(l) of the Act, the alien's LPR status will *not* be subject to the conditions under section 216 of the Act. The alien, therefore, will not need to file Form I-751.

(iii) Removal of conditions under section 216A of the Act. An alien who acquires LPR status based on a qualifying investment under section 203(b)(5) of the Act does so on a conditional basis under section 216A of the Act. If the derivative beneficiary of a Form I-526 obtains approval of the Form I-526 and Form I-485 under section 204(l) of the Act, the alien remains subject to the conditions imposed by section 216A of the Act. Unlike the death of a petitioning spouse under section 216 of the Act, the death of the Form I-526 petitioner does not, by itself, provide a basis for removing the section 216A conditions. Rather, under 8 C.F.R. § 216.6(a)(6), the derivative beneficiaries must still file, two years later, a Form I-829 and show that the requirements for removal of the conditions have been met.

(5) Waivers and Other Related Applications. The text of new section 204(l) provides that the new approval authority applies not only to the visa petition, but to an adjustment application and “any related applications.” Section 568(d)(2) of the FY2010 DHS Appropriations Act specifies that section 568(d)(1) does not waive grounds of inadmissibility. But the provision does remove “ineligibility based solely on the lack of a qualifying family relationship” as a basis for denying relief. USCIS has determined, therefore, that section 204(l) *does* give USCIS the discretion to grant a waiver or other form of relief from inadmissibility to an alien described in section 204(l), even if the qualifying relationship that would have supported the waiver has ended through death.

Note that it is *not* necessary for the waiver or other relief application to have been pending when the qualifying relative died. Section 204(l) of the Act permits the approval of a waiver or other relief application despite the death of a qualifying relative if:

- a petition or application specified in paragraph (c)(1) of this chapter was pending or approved when the qualifying relative died;
- the alien was residing in the United States when the qualifying relative died; and
- the alien still resides in the United States.

If a pending petition or application to which section 204(l) applies is denied, despite section 204(l) of the Act, then the alien may not obtain approval of a waiver or other relief under section 204(l).

Some waivers require a showing of extreme hardship to a qualifying relative, who must be either a citizen or a permanent resident. Since the legislation intends to have

the new section 204(l) of the Act extend not only to the approval of the pending petition, but also to any related applications, the fact that the qualifying relative has died will be noted in the decision and deemed to be the functional equivalent of a finding of extreme hardship. Note that 204(l) applies in this context only when, the hardship being claimed by the surviving beneficiary, would have been on account of claimed extreme hardship that would have been suffered by the qualifying relative were he or she still alive. Additionally, it should be noted that the finding of extreme hardship merely *permits*, and never *compels* a favorable exercise of discretion. See *Matter of Mendez-Morales*, 21 I&N Dec. 296 (BIA 1996). That is, as with any other waiver case, a waiver application decided in light of section 204(l) requires the weighing of all favorable factors against any adverse discretionary factors. Extreme hardship is just one positive factor to be weighed. See *id.* The inadmissibility ground sought to be waived is, itself, an adverse factor. See *INS v. Yang*, 519 U.S. 26 (1996). For example, inadmissibility based on a conviction for a violent or dangerous crime requires proof of exceptional or extremely unusual hardship, or some other extraordinary circumstance, in order for a waiver application to be approved. 8 C.F.R. § 212.7(d).

The preceding paragraph assumes that the qualifying relative was already a citizen or permanent resident at the time of death. If the qualifying relative was not already a citizen or permanent resident, then the qualifying relative's death does not make the alien eligible for a waiver that would not have been available if the qualifying relative had not died. If the qualifying relative was not a citizen or permanent resident, then the alien may not be able to obtain a waiver of inadmissibility unless there is yet another individual who has the requisite status and family relationship to meet the requirements of the waiver provision, or the waiver provision does not require a family relationship and/or extreme hardship.

As noted in Chapter 10.21(c)(2), section 204(l) does not apply to Form I-130 that was filed by a now-deceased citizen for his or her spouse, who is now the widow(er) of a citizen. Once the citizen has died, the widow(er) becomes the visa petitioner. USCIS has determined, however, that if the widow(er) was the beneficiary of a pending or approved Form I-130 when the original petitioner died, and the widow(er) meets the residence requirements in section 204(l), then section 204(l) preserves the widow(er)'s ability to have a waiver application approved as if the now deceased citizen had not died. As with any other waiver application that is covered by section 204(l), the fact that the citizen petitioner has died will be noted in the decision and deemed to be the functional equivalent of a finding of extreme hardship. But the finding of extreme hardship merely *permits*, and never *compels* a favorable exercise of discretion. See *Matter of Mendez-Morales*, *supra*. The widow(er) must still establish that he or she merits a favorable exercise of discretion.

(6) Discretionary Denial under Section 204(l). Section 204(l) gives USCIS discretion to deny a petition or application that may now be approved despite the qualifying

relative's death, if USCIS finds, as a matter of discretion, "that approval would not be in the public interest." Section 204(l)(1) of the Act, 123 Stat. at 2187. This exercise of discretion, moreover, is "unreviewable." *Id.*

USCIS officers will not, routinely, use this discretionary authority to deny a visa petition that may now be approved, despite the death of the qualifying relative. In a visa petition proceeding that is not subject to section 204(c) of the Act or some other approval bar, the overriding issue is simply whether the beneficiary qualifies for the visa classification sought. Inadmissibility, for example, does not warrant denial of a visa petition. See *Matter of O-*, 8 I&N Dec. 295 (BIA 1959). Section 204(l) now provides that an alien described in section 204(l) can still qualify for the benefit sought, despite the qualifying relative's death. Thus, only truly compelling discretionary factors should be cited as a basis to deny a visa petition under section 204(l), on the ground "that approval would not be in the public interest." Section 204(l)(1) of the Act, 123 Stat. at 2187. Before denying a visa petition on this basis, the USCIS officer must consult with the appropriate Headquarters Directorate, through appropriate channels.

This consultation requirement also applies to all cases, other than visa petition cases, that may now be approved under section 204(l) despite the qualifying relative's death. The USCIS officer must consult the appropriate Headquarters Directorate before denying a case on the ground "that approval would not be in the public interest." Section 204(l)(1) of the Act, 123 Stat. at 2187. Consultation is *not* required if the USCIS officer will deny the case based *solely* on the traditional discretionary factors that would have applied to the particular type of case, even if the qualifying relative were still alive. For example, unwaived or unwaivable fraud or criminal inadmissibility, or security grounds, may warrant denial as a matter of discretion under ordinary circumstances, and consultation is not required in such a case. Rather, consultation is required only if the USCIS officer intends to deny the case as a matter of discretion on the "not . . . in the public interest" ground.

(7) Humanitarian Reinstatement. Under DHS regulations at 8 C.F.R. § 205.1(a)(3)(i)(C), approved immediate-relative and family-based petitions filed under section 204 are automatically revoked upon the death of the petitioner or the beneficiary. Since approval under section 204(l) is a matter of agency discretion, enactment of section 204(l) does not supersede this long-standing regulation. But 8 C.F.R. § 205.1(a)(3)(iii)(C)(2) also gives USCIS discretion to decide not to revoke the approval for "humanitarian reasons." In light of section 204(l), it would generally be appropriate to reinstate the approval of an immediate-relative or family-based petition if the alien was residing in the United States when the petitioner dies and if the alien continues to reside in the United States. In those circumstances, reinstating the approval of an immediate-relative or family-based petition is appropriate even if the death that resulted in the automatic revocation occurred before October 28, 2009.

The fact that USCIS already denied reinstatement before October 28, 2009, does not preclude a new request.

Under DHS regulations at 8 C.F.R. § 205.1(a)(3)(iii)(B), approved employment-based petitions filed under INA section 203(b) are automatically revoked upon the death of the petitioner or the beneficiary. There is no comparable regulatory provision that allows for the reinstatement of the approval of employment-based petitions based upon “humanitarian reasons.” Similarly, the DHS regulation at 8 C.F.R. §205.1(a)(3)(iii)(C)(2) does not provide for reinstatement of approval of an immediate-relative or family-based visa petition if it is the principal beneficiary, rather than the petitioner, who has died. In light of section 204(l), however, USCIS officers may act favorably on requests to reinstate approvals under section 205 of the Act and 8 C.F.R. part 205.

See Chapter 21.2(h)(1)(C) of this *AFM* for further guidance on reinstating approval of visa petitions. Chapter 21.2(h)(1)(C) specifies the information that the beneficiary should submit with the written request for reinstatement and also specifies that the written request should be submitted to the USCIS service center or field office that approved the petition except that, if the beneficiary has properly filed an application for adjustment of status with USCIS, the request should be submitted to the USCIS office with jurisdiction over the adjustment application.

USCIS may still deny a request to reinstate approval as a matter of discretion. As stated in chapter 10.21(c)(6) of the *AFM*, however, the USCIS officer must consult the appropriate Headquarters Directorate through appropriate channels, if the USCIS officer intends to deny reinstatement solely based on a finding under section 204(l) that granting it “would not be in the public interest.”

(8) Application of New Section 204(l) to Cases Adjudicated before October 28, 2009.

(i) Denials. New section 204(l) does not, by its terms, require USCIS to reopen or reconsider any decision denying a petition or application, if the denial had already become final before October 28, 2009. For this reason, enactment of new section 204(l) is not a reason for USCIS to reopen or reconsider, on its own motion, any decision that was made before October 28, 2009. Given the intent of section 204(l), USCIS has decided to allow an alien to file an untimely motion to reopen a petition, adjustment application, or waiver application that was denied before October 28, 2009 if new section 204(l) would now allow approval of a still-pending petition or application. A motion to reopen, rather than a motion to reconsider, would be the proper type of motion, since the alien would need to present new evidence: proof of the relative’s death and proof both that the alien was residing in the United States when the relative died and that the alien continues to reside in the United States. The alien must pay the standard filing fee for each motion, unless the alien qualifies for a fee waiver under 8

C.F.R. § 103.7(c)(5). If the alien establishes that he or she was residing in the United States when the qualifying relative died, and that he or she continues to reside in the United States, it would be appropriate for USCIS to exercise favorably the discretion to reopen the petition and/or application(s), and to make new decisions in light of new section 204(l).

Note that an alien who is present in the United States unlawfully does not accrue unlawful presence while a properly filed adjustment application is pending. AFM chapter 40.9.2(b)(3)(A). If USCIS grants, under section 204(l) of the Act, a motion to reopen a Form I-485 that was denied, the Form I-485 will, once again, be pending, and is deemed to be pending from the original date of filing. Thus, reopening a Form I-485 under section 204(l) of the Act will cure any unlawful presence that may have accrued between the original denial and the new decision. The result is that the alien will not have accrued any unlawful presence from the original filing of the Form I-485 until there is a final decision after the reopening of the Form I-485. If the alien is otherwise inadmissible because of unlawful presence accrued before applying for adjustment, a waiver may be available, as discussed in paragraph (c)(5) of this chapter.

(ii) Approvals. A USCIS officer may encounter a case in which a petition or application was approved, before October 28, 2009, despite the death of a qualifying relative. The approval may have occurred because USCIS was unaware of the death, or because the alien persuaded USCIS that the death did not end eligibility. Although some courts of appeals had held that the death of a citizen did not end the eligibility of the citizen's *spouse* for classification as an immediate relative, there was no nationwide ruling on this issue. Nor was there any binding precedent concerning relatives other than widow(er)s of citizens. The spousal immediate relative cases, however, could be seen as at least persuasive authority that USCIS could approve other types of visa petitions, despite the petitioner's death. Given the intent of section 204(l), USCIS will deem the approval of the petition and the grant of adjustment proper, and will not seek to rescind a grant of adjustment, if the sole basis for doing so is the death of the qualifying relative or the resulting invalidity of the Form I-864 filed by the visa petitioner.

2. Chapter 21.2(h)(1)(C) of the *AFM* is amended by:
 - a. Revising the first and second sentences in the third paragraph; and
 - b. Removing the final paragraph and replacing it with 2 additional paragraphs at the end.

The revisions read as follows:

21.2 Factors Common to the Adjudication of All Relative Petitions

* * * * *

(h) Revocation of Approval. * * *

(1) Automatic Revocation. * * *

* * * * *

(C) Discretionary Authority to Not Automatically Revoke Approval.

* * * * *

To request humanitarian reinstatement of a revoked petition, the beneficiary should send a written request for reinstatement to the USCIS service center or field office that approved the petition except that, if the beneficiary has properly filed an application for adjustment of status with USCIS, the written request should be submitted to the USCIS office with jurisdiction over the adjustment application. The written request must include a copy of the approval notice for the revoked petition, the death certificate of the petitioner (or other qualifying relative) and, if required by section 213A of the Act and 8 CFR part 213a, a Form I-864 from a substitute sponsor and proof of the substitute sponsor's relationship to the beneficiary. * * *

While there are no other rules or precedents on how to apply this discretionary authority, reinstatement may be appropriate when revocation is not consistent with "the furtherance of justice," especially in light of the goal of family unity that is the underlying premise of our nation's immigration system. In particular, reinstatement is generally appropriate as a matter of discretion, if section 204(l) of the Act and Chapter 10.21 of this *AFM* would support approval of the petition if it were still pending. For cases that are not covered by section 204(l) of the Act, the reinstatement request will be addressed in light of the factors that USCIS has traditionally considered in acting on reinstatement requests, which include:

- The impact of revocation on the family unit in the United States, especially on U.S. citizen or LPR relatives or other relatives living lawfully in the United States;
- The beneficiary's advanced age or poor health;
- The beneficiary's having resided in the United States lawfully for a lengthy period;
- The beneficiary's ties to his or her home country; and
- Significant delay in processing the case after approval of the petition and after a visa number has become available, if the delay is reasonably attributable to the Government, rather than the alien.

Although family ties in the United States are a major consideration, there is no strict requirement for the alien beneficiary to show extreme hardship to the alien, or to

relatives already living lawfully in the United States, in order for the approval to be reinstated. If the alien is required to have a Form I-864 affidavit of support, however, there must be a Form I-864 from a substitute sponsor. 8 C.F.R. § 205.1(a)(3)(i)(C).

3. The *AFM Transmittal Memorandum* button is revised by adding a new entry, in numerical order, to read:

PM-602-0017 AFM Update 10-51 [12/16/2010]	Chapter 10.21 and 21.2(h)(1)(c)	This memorandum adds new Chapter 10.21 and revises Chapter 21.2(h)(1)(c) to reflect enactment of INA section 204(l), allowing some petitions and applications to be approved despite the death of the qualifying relative.
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Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions regarding this memorandum should be directed to the Field Operations Directorate or the Service Center Operations Directorate, through appropriate channels. For cases adjudicated overseas, questions should be directed to the International Operations Division, Programs Branch.



April 15, 2015

PM-602-0097

Policy Memorandum

SUBJECT: Guidance on Evaluating Claims of “Extraordinary Circumstances” for Late Filings When the Applicant Must Have Sought to Acquire Lawful Permanent Residence Within 1 Year of Visa Availability Pursuant to the Child Status Protection Act

Purpose

An alien seeking classification as a child under sections 203(a)(2)(A) or 203(d) of the Immigration and Nationality Act (INA), or as a derivative beneficiary under INA 203(a) or 203(b), who is under 21 years of age as determined by the Child Status Protection Act (CSPA), must have sought to acquire lawful permanent residence within 1 year of the visa becoming available. In *Matter of O. Vasquez*, 25 I&N Dec. 817 (BIA 2012), the Board of Immigration Appeals (the “Board”) confirmed previous U.S. Citizenship and Immigration Services (USCIS) guidance that filing an application for adjustment of status or an immigrant visa meets the requirement that a beneficiary “sought to acquire” lawful permanent residence within 1 year of visa availability in order to benefit from the specified age-out protection provided by the CSPA.¹

The Board further explained that the alien may meet the 1-year “sought to acquire” requirement even though there was a failure to timely file by establishing through persuasive evidence, that there were certain “extraordinary circumstances” beyond the alien’s control. This policy memorandum (PM) provides guidance on properly evaluating evidence and exercising discretion when an individual claims that extraordinary circumstances prevented him or her from seeking to acquire lawful permanent residence in a timely manner.

This PM revises Chapter 21.2(e) of the Adjudicator’s Field Manual (AFM); AFM Update AD14-01.

Scope

Unless specifically exempted herein, this PM applies to and is binding on all USCIS employees. This PM supplements existing CSPA guidance, but only with regard to properly evaluating evidence and appropriately exercising discretion when an individual claims that extraordinary

¹ USCIS recognizes that guidance from the Department of State (DOS) as to CSPA does not necessarily employ the terminology “filed,” due to the specific processes which are unique to consular processing. See e.g., Child Status Protection ALDAC #2, January 17, 2003. The terminology within this USCIS PM applies to procedures for USCIS.

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circumstances prevented her or him from seeking to acquire lawful permanent residence in a timely manner.

Authority

INA 203(h)(1); 8 U.S.C. §§ 1153(h)(1), as amended by Public Law 107-208; *Matter of O. Vasquez*, 25 I&N Dec. 817 (BIA 2012).

Background

The CSPA was enacted on August 6, 2002, and provides continuing eligibility for immigration benefits to the principal and/or derivative beneficiaries of certain benefit requests when the beneficiary has aged-out by turning 21 years of age. The CSPA has wide applicability, covering family and employment-based beneficiaries, diversity visa immigrants, refugees, and asylees when delays in processing visa petitions or applications cause a beneficiary to lose eligibility for classification as a child solely due to reaching 21 years of age. This PM specifically addresses circumstances in which a family-based preference principal or derivative beneficiary, or an employment-based derivative beneficiary, may be deemed to retain the CSPA age-out protection when he or she fails to seek to acquire lawful permanent residence within 1 year of visa availability due to extraordinary circumstances. *See* INA 203(h)(1).

INA 203(h)(1)(A) and (B) state that to determine whether an alien satisfies the age requirement for classification as a child, the calculation is “the age of the alien on the date on which an immigrant visa number becomes available for such alien (or, in the case of subsection (d) of this section, the date on which an immigrant visa number became available to the alien’s parent), but only if the alien has sought to acquire the status of an alien lawfully admitted for permanent residence within one year of such availability: reduced by the number of days in the period during which the applicable petition described in paragraph (2) was pending”. This is the calculation that will be used for the purpose of determining if an alien qualifies for classification as a child, *but only if the alien has sought to acquire the status of an alien lawfully admitted for permanent residence within one year of such availability* [emphasis added].² Previous USCIS policy on the “sought to acquire” requirement did not allow officers to use discretion in considering late filings. *Matter of O. Vasquez* allows for discretion in these determinations. This PM outlines the appropriate use of this discretion.

Policy

Under USCIS policy, there are three ways to meet the “sought to acquire” requirement:

² “Sought to acquire” has become a term of art for the much longer and more cumbersome, “sought to acquire the status of an alien lawfully admitted for permanent residence within one year of such availability,” and is used in this way throughout this memorandum with minor variations to allow for contextual appropriateness (e.g., tense agreement).

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- Filing Form I-485, Application to Register Permanent Residence or Adjust Status³;
- Submitting an Application for Immigrant Visa and Alien Registration;⁴ or
- Having Form I-824, Application for Action on an Approved Application or Petition, filed on the derivative beneficiary alien’s behalf when the principal applicant is present in the United States.

These actions fulfill the “sought to acquire” requirement because they are affirmative and verifiable actions that can ultimately lead to adjustment of status or the admission of a person as a lawful permanent resident.⁵

In *Matter of O. Vasquez*, the Board found that extraordinary circumstances *may* warrant the exercise of discretion in a late filing for purposes of meeting the “sought to acquire” requirement if: (1) the circumstances were not created by the individual’s own action or inaction; (2) the circumstances were directly related to the failure to act within the 1-year period; and (3) the delay was reasonable under the circumstances.

Additionally, the Board found that the “sought to acquire” requirement may be met if the applicant can show with persuasive evidence that his or her application was rejected for a technical or procedural error. In that case, the late filing must be followed by the filing of a corrected application within a reasonable time after its return. In its decision, the Board emphasized that a showing of “sought to acquire” requires substantive and timely action and cannot be shown by simply contacting an attorney or organization for advice about obtaining a visa.

The Board’s decision, however, does not provide specific criteria for establishing extraordinary circumstances for failure to meet the “sought to acquire” requirement. Consequently, this guidance draws from existing statutory and regulatory frameworks to assist officers in exercising discretion when an alien claims that extraordinary circumstances warrant finding that the “sought to acquire” requirement was satisfied, even though there was a failure to file timely.

³ Note that when a principal beneficiary files Form I-485, this does not satisfy “sought to acquire” for a derivative beneficiary. The derivative beneficiary must file the Form I-485 in order to satisfy the “sought to acquire” requirement.

⁴ The procedures for submitting the Application for Immigrant Visa and Alien Registration, DS-260, (which has replaced the paper form DS-230) to DOS are substantively different from those for filing Form I-485 with USCIS. DOS notifies beneficiaries or their designated agents of documents they need to submit at each step in the process. Prior to the visa becoming available, DOS notifies the beneficiary of impending visa availability and requests submission of fees and an Affidavit of Support, and initiates processing in advance of accepting the actual application. As such, applicants for immigrant visas can meet the “sought to acquire” requirement in advance of the actual filing of DS-260.

⁵ For applications presenting circumstances that are not addressed by the three listed examples above, which present legal arguments why such circumstances constitute “substantial steps,” that may satisfy the “sought to acquire” requirement, USCIS personnel should consult USCIS Office of Chief Counsel (OCC).

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Asylum regulations and the Board’s asylum law precedent provide some guidance on criteria for showing “extraordinary circumstances” in the context of the 1-year filing deadline for asylum applications. For example, 8 CFR 208.4(a)(5) articulates factors for consideration of extraordinary circumstances and provides examples of circumstances that may warrant the exercise of discretion in accepting a late application.⁶ Similar to those factors enumerated in the asylum context which are, by statute, evaluated “to the satisfaction of the Attorney General,” Officers must consider the totality of the circumstances and must use the “preponderance of the evidence” standard when determining whether an alien demonstrated extraordinary circumstances for not meeting the “sought to acquire” requirement in a timely fashion.⁷ The accompanying AFM update provides specific factors to consider.

Implementation

1. AFM chapter 21.2(e) is revised as follows:

(1) CSPA Coverage

(ii) Adjustment Under a Preference Category

(C) Derivative Beneficiaries – Family and Employment-Based
[Text box removed.]

(E) Sought to Acquire

Section 203(h)(1)(A) states that to determine whether an alien satisfies the age requirement for classification as a child, the calculation is “the age of the alien on the date on which an immigrant visa number becomes available for such alien (or, in the case of subsection (d) of this section, the date on which an immigrant visa number became available to the alien’s parent), but only if the alien has sought to acquire the status of an alien lawfully admitted for permanent residence within one year of such availability...”

⁶ The Board in *Matter of O. Vasquez* employs the term “satisfy” in a number of instances throughout its opinion. While not explicit, USCIS construes the opinion as employing the very same “to the satisfaction of the Attorney General” language found throughout the INA. See e.g. INA 208 and 246. Any reference concerning the asylum regulations is not intended to create conflict with, and in no way should be read to amend, abridge, or otherwise modify existing and governing asylum policy or precedent.

⁷ See *Matter of Chawathe*, 25 I&N Dec. 369 (AAO 2010).

“Sought to acquire” has become a term of art for the much longer, and more cumbersome “sought to acquire the status of an alien lawfully admitted for permanent residence within one year of such availability.” It is used in this way in policy and in this manual with minor variations to allow for contextual appropriateness (e.g. tense agreement).

(I) **General Requirements.** An alien seeking classification as a child under sections 203(a)(2)(A) or 203(d), or as a derivative beneficiary under sections 203(a) or 203(b), who has a “CSPA age”⁸ under 21, must have sought to acquire lawful permanent residence within one year of the visa becoming available.

- The date of visa availability is the first day of the month in which the priority cut-off date or visa is identified as *current* pursuant to the Department of State’s Visa Bulletin or the date the petition was approved, whichever is later.
- If a visa regresses and: (a) becomes available again within one year and (b) the alien seeks to acquire within one year of the original visa availability date, use the biological age on the original visa availability date for purposes of the age calculation. (Note: if the alien seeks to acquire within one calendar year of the actual first date on which the visa became available, despite a regression, use the earlier date for purposes of the age calculation).
- An alien may satisfy the sought to acquire requirement by: (a) filing Form I-485; (b) submitting an Application for Immigrant Visa and Alien Registration to the Department of State (Note: the consular process is different and “sought to acquire” may be satisfied with payment of the visa application fees or filing the Affidavit of Support (Form I-864) rather than submission of the actual immigrant visa application); or, (c) having a Form I-824 filed on the alien’s behalf by the principal applicant who is in the United States.

(II) **Extraordinary Circumstances for Late Filing.** In *Matter of O. Vasquez*, 25 I&N Dec. 817 (BIA 2012), the Board ruled that extraordinary circumstances could warrant the exercise of discretion to find the alien met the “sought to acquire” requirement by establishing, through persuasive evidence, that ... there were other extraordinary circumstances, particularly those where the failure to timely file was due to circumstances beyond the alien’s control. The guidance below draws from asylum

⁸ CSPA Age under 21 is defined in INA 203(h)(1)(A) and (B), which state that to determine whether an alien satisfies the age requirement for classification as a child, the calculation is “the age of the alien on the date on which an immigrant visa number becomes available for such alien (or, in the case of subsection (d) of this section, the date on which an immigrant visa number became available to the alien’s parent), but only if the alien has sought to acquire the status of an alien lawfully admitted for permanent residence within one year of such availability: reduced by the number of days in the period during which the applicable petition described in paragraph (2) was pending”.

regulations, which also require extraordinary circumstances as an exception to the one-year filing bar (see 8 CFR 208.4(a)(5)).⁹

In order to establish extraordinary circumstances, the alien must demonstrate that:

- (1) The circumstances are beyond the control of the alien and must not have been intentionally created by his or her own action or inaction. (See 8 CFR 208.4(a)(5)).
- (2) Those circumstances were directly related to the alien’s failure to file the application within the one-year period; and
- (3) The delay was reasonable under the circumstances.

Examples of extraordinary circumstances that *may* warrant a favorable exercise of discretion include, but are not limited to:

- Serious illness or mental or physical disability during the one-year period;
- Legal disability, such as instances where the applicant is suffering from a mental impairment, during the one-year period;
- Ineffective assistance of counsel, when the following requirements are met:
 - (1) Alien filed an affidavit setting forth in detail the agreement that was entered into with counsel with respect to the actions to be taken and what representations counsel did or did not make to the respondent in this regard;
 - (2) Counsel whose integrity or competence is being impugned has been informed of the allegations leveled against him and been given an opportunity to respond, or that a good faith effort to do so is demonstrated; and
 - (3) Alien indicates whether a complaint has been filed with appropriate disciplinary authorities with respect to any violation of counsel’s ethical or legal responsibilities and, if not, why;
- Death or serious illness or incapacity of the alien’s legal representative or a member of the alien’s immediate family.

When considering a claim of extraordinary circumstances, the officer should weigh the totality of the circumstances and the nexus of the circumstances presented to the failure to meet the “sought to acquire” requirement, as well as the reasonableness of the delay. In order to warrant a favorable exercise of discretion, the circumstances must be extraordinary and beyond the alien’s control. Circumstances such as financial difficulty, minor medical conditions, and circumstances within the alien’s control such as when to seek counsel or begin preparing the application package are not considered

⁹ Asylum regulations also allow for “changed circumstances” which are not allowed in this context.

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extraordinary. Further, the fact of being or having been a child is common to all applicants seeking protection under the CSPA and does not constitute extraordinary circumstances beyond one’s control to timely “seek to acquire”.

Procedurally, when an alien seeks to acquire after one year of visa availability and does not provide an explanation and/or evidence of extraordinary circumstances, the officer will issue a notice of intent to deny allowing the applicant the opportunity to rebut the presumptive ineligibility.

(III) Filing Error: In *Matter of O. Vasquez*, 25 I&N Dec. 817 (BIA 2012), the Board observed that instances may also occur where a petition is timely filed, but rejected for certain reasons. While filing error will not ordinarily be related to extraordinary circumstances, USCIS and the Board recognize that in certain limited instances where the filing error is corrected and the application is re-filed in a reasonable period of time thereafter, the applicant’s failure to meet the deadline may be excused.

(IV) Motions to Reopen

Decisions issued by USCIS prior to *Matter of O. Vasquez*, and which denied benefits solely based upon a “failure to seek to acquire” status within one-year of visa availability, are not affected by this policy memorandum. Such decisions were proper based upon the law and policy in effect before *Matter of O. Vasquez*. However, for those cases denied after *Matter of O. Vasquez*, and where such denial is solely based upon a “failure to seek to acquire” status within one-year of visa availability, a motion to reopen may be filed with USCIS. Such motions to reopen will be adjudicated on a case-by-case basis and based upon the evidence accompanying the motion.

- 2. The AFM **Transmittal Memoranda** button is revised by adding a new entry, in numerical order, to read:

AD14-01 6/6/2014	Chapter 21.2(e)	Provides guidance on properly evaluating evidence and appropriately exercising discretion when individuals claim extraordinary circumstances prevented them from seeking to acquire lawful permanent residence in a timely manner.
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Official Duties

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions or suggestions regarding this PM should be addressed through appropriate channels to the Office of Chief Counsel and the Office of Policy and Strategy.

Special Considerations – Form I-864 and Public Charge

- An applicant for employment-based adjustment of status must submit Form I-864, Affidavit of Support:
 - If a relative of the applicant filed the employment-based immigrant petition;
 - OR
 - If a relative has significant ownership interest in the entity that filed the immigrant visa petition.

8 C.F.R. § 213a.2(a)(2)(i)(c); INA §§ 212(a)(4)(D) and 213A(f)(4)

INA § 212(a)(4) Public Charge

- Any applicant may submit evidence to show that he or she will not become a public charge:
 - Form I-864
 - Form I-134
 - W-2s
 - Bank statements
 - Letters of employment

CASE RESOLUTION UNIT (CRU)

VISA VERIFICATION & CARD PRODUCTION PROCEDURES

2.0 – STEP/ACTION TABLE: VISA VERIFICATION & CARD PRODUCTION PROCEDURES

[continued]

CONDITION	ACTION
<p>1. Verifying Visa Data [continued]</p>	<ol style="list-style-type: none"> 1. Click the I-89 Attached? block and verify the following: <ul style="list-style-type: none"> – Card Type: 1 Resident Alien – Transaction Type: 1 Initial Card – Date of this I-89: Date on the I-89 card – Sex: M, F, or U – Waiver: If the fingerprint and signature is present, the fingerprint and signature waiver boxes should not be checked. <p><i>NOTE: If the applicant is under 14 or over 75 years old, the fingerprints may be waived. When the fingerprints are waived, the appropriate waiver box should be checked and the corresponding "biometric attached" check box should be empty.</i></p> <ul style="list-style-type: none"> – Location Code where I-89 was submitted: 3-letter code on the I-89 2. I-864 Affidavit Attached?: If the I-864 is attached, a "Y" will appear in the box. <i>NOTE: Verification of the I-864 is not required.</i> 3. Labor Certification?: Should be blank 4. Inspector Stamp?: If the admission stamp is present, a "Y" should appear in the box. 5. Biometrics Attached?: If all of the biometrics are present, a "Y" will appear in the box. Use the following instructions to verify biometrics. <ul style="list-style-type: none"> – Select the Capture option or press F11 to view the biometrics. <p><i>NOTE: The Biometrics Attached field will automatically indicate "Y". Photo, Fingerprint, and Signature are automatically checked.</i></p> 6. If all of the previously identified data is correct and the biometrics are present or accounted for, press the Print button to send the card to production.

EB - I-485 (Principal)

	<p>Check for approved visa petition and visa availability at time of filing.</p> <ul style="list-style-type: none"> ➤ Pay special attention to cases filed between 7/1/2007 – 8/17/2007 (Refer to USCIS 2007 July/August FAQs)
	<p>Check for completeness of I-485:</p> <ul style="list-style-type: none"> ➤ Part 3 must be completed (any answer other than NO may indicate possible issues of inadmissibility) <ul style="list-style-type: none"> ➤ Any issues of inadmissibility have been resolved
	<p>Check to see if application contains acceptable signature. All applicants 14 > older must sign their own applications.</p>
	<p>Check for 2 – 2x2 passport photos.</p>
	<p>Check for current prints (ages 14 through 79) (Valid for 15 months from “Date Processed by FBI”).</p>
	<p>Check for FBI Name Check results: (everyone ages 14-80) (no expiration for same I-485 – 15 month expiration for any other application).</p>
	<p>Check for NSEERS compliance, if applicable.</p>
	<p>Check CIS, EARM, AR11, SQ94, National CLAIMS (as applicable) and CIS for other A-files</p>
	<p>Check for G-325A (for everyone 14-79 years old)</p>
	<p>Check for birth certificate or acceptable secondary evidence (with acceptable translation if necessary).</p>
	<p>Check for Maintenance of Status. This may include the following</p> <ul style="list-style-type: none"> ➤ Photocopy of the applicant’s current passport and previously issued passports, including biographic/photo pages, current an expired visas, and pages with relevant entry or departure stamps; ➤ Photocopy of the I-797 Approval Notices for all extension and change of status ➤ Photocopy of the I-20, DS-2019 or IAP 66 SEVIS ➤ Photocopy of the applicant’s I-94 <p>If status was not maintained, then check if eligible for:</p> <ul style="list-style-type: none"> ➤ Out of Status less than 180 days - 245(k) ➤ Out of Status more than 180 days - 245(i) <ul style="list-style-type: none"> ➤ Filed I-485 Supplement A, paid \$1,000, if applicable ➤ Meets definition of “grandfathered” alien ➤ the original labor cert or petition beneficiary must have been physically present on 12/21/2000 (if applicable)
	<ul style="list-style-type: none"> ➤ Check for Public Charge: Ensure file contains current employment letter, Form I-134, or I-864, if applicable.
	<ul style="list-style-type: none"> ➤ J = Check DS-2019 or IAP-66 to determine if Section 212(e) applies (if applicable, I-612 must be approved prior to filing) EXCEPTION: If I-612 based on “No Objection Letter”, may file concurrently, but must be approved prior to adjustment.
	<p>Nonimmigrant classifications: A, G, E1/E2 (AGE) & NATO:</p> <ul style="list-style-type: none"> ➤ A or G = I-508 (I-508F for French Nationals) and I-566 must have been filed ➤ E1/E2 = I-508 (I-508F for French Nationals) must have been filed. ➤ If approved, ensure appropriate distribution of forms at time of adjudication.
	<p>Medical Workers (other than Doctors): check for valid unexpired visa screen certificate from authorized entity. If no expiration dated appears on the certificate, the expiration date is 5 years from date of issue.</p> <ul style="list-style-type: none"> ➤ CGFNS – Licensed Practical Nurses, Licensed Vocational Nurses, Registered Nurses, Occupational Therapists, Physical Therapists, Physician Assistants, Speech Language Pathologists and Audiologists, Medical Technologists, Medical Technicians and Physical Therapists ➤ NBCOT – Occupational Therapists ➤ FCCPT – Physical Therapist (Physical Therapist may receive visa screen from FCCPT or CGFNS).
	<p>Physicians: (<u>ALL</u> Medical doctors including any specialist) must be sent to EAT team for adjudication, send to IS0016</p>
	<p>Religious Workers (visa petition Form I-360): Ensure file contains a valid “passed” site compliance memorandum.</p>
	<p>Form I-693, Medical Examination:</p> <ul style="list-style-type: none"> ➤ Properly completed, endorsed, valid at both time of filing and adjudication (exam conducted < 1 yr at time of submission to USCIS & < 1 yr has lapsed since the I-485 was submitted to USCIS). ➤ Applicants age 15 and older at time of medical must have Serologic Test for Syphilis. ➤ Vaccination record must be complete; any applicable waivers must have boxes marked and must be granted unless “not age appropriate” marking is incorrect. ➤ Applicants age 2 and older must have initial tuberculosis test conducted (unless civil surgeon indicates acceptable exception). If required, check for marking of normal X-ray results. If abnormal, check for health referral.
	<p>TECS checks have been completed < 1 day prior to adjudication and documented on ROIT:</p> <ul style="list-style-type: none"> ➤ Any hits must be resolved prior to adjudication. ➤ Ensure GUI is updated with “Sent to Background Check Unit” before sending email to TSC, TRIAGE for resolution. In addition, update NPWR to show “Forwarded to BCU/FDNS/Ops”. If part of a family pack, do not adjudicate any derivatives until TECS hit on principal has been resolved. ➤ NOTE: If the TECS hit ends in B10 (known terrorist or suspected terrorist), the file must be hand-carried to BCU for resolution. Ensure GUI is updated with “Sent to Background Check Unit” before completing BCU resolution process. If part of a family pack, do not adjudicate any derivatives until TECS hit on principal has been.
	<p>Update CLAIMS (GUI):</p> <ul style="list-style-type: none"> ➤ Verify biometrics – if biometrics are not present, open an EZ ticket requesting biometrics be transferred. Complete and attach excel spreadsheet found on ECN <i>using</i> the “Transfer” option on the spreadsheet. Hold file until verification is made that the card is “in production”.”



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I-864, Affidavit of Support

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Why is an Affidavit of Support Required?

- Every legal immigrant to the U.S. must establish that he or she will not become a "public charge."
- The immigrant must establish that he or she has adequate means of financial support to avoid resorting to public assistance for support.



Why is an Affidavit of Support Required? (cont..)

- Section 212(a)(4) of the INA - an individual seeking admission to the United States or seeking to adjust status to that of an LPR is inadmissible if the individual, "at the time of application for admission or adjustment of status, is likely at any time to become a public charge."



Why is an Affidavit of Support Required? (cont..)

- Although there is a waiver available for other grounds of excludability (even criminal grounds), there is no waiver for an immigrant who is excludable based on public charge grounds.



Who is required to file a Form I-864, Affidavit of Support?

- All immediate relatives
 - Spouses, children, parents;
 - K non-immigrants adjusting to LPR status
 - orphans (unless the orphan would become a citizen upon adjustment of status pursuant to sect. 320 of the Act):
- All family-based preference immigrants;



Immigrants exempt from filing Form I-864 (Must submit I-864W)

Any intending immigrant who:

- Is classified as the child of a U.S. citizen, if the child's adjustment of status application is approved before the child's 18th birthday, and if the approval will make the child a citizen under section 320 of the Act (i.e., the Child Citizenship Act of 2000).



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Immigrants exempt from filing Form I-864 (Must submit I-864W)

- Has already earned, or can be credited with 40 quarters of coverage pursuant to the Social Security Administration's regulations.



Immigrants exempt from filing Form I-864

- Diversity immigrants.
- Special immigrants (e.g. Cuban Adjustments)
- Employment based immigrants (other than those for whom a relative either filed the Form I-140 or owns 5% or more of the firm that filed the Form I-140).
- Refugees and asylees adjusting status.
- Registrants under section 249 of the Act.



Form I-864, Affidavit of Support Under Section 213A of the Act

Purpose:

- This form is required for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and that they are not likely to become a public charge.
- Completed by the Petitioner/Sponsor, Joint Sponsor, or the Substitute Sponsor.
- Used as a contract between a sponsor and the U.S. Government.



Form I-864 (cont..)

General Sponsor Requirements:

- Must be a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence
- Must be at least 18 years old
- Must be domiciled in the United States, or its territories or possessions.
- Cannot be a corporation, organization, or other entity.



Form I-864 (cont..)

Petitioning Sponsor:

- Must be the petitioner who filed a Form I-130 for a family member, Form I-129F for a fiancé(e), or Form I-600 or I-600A for an orphan.
- Must sign and complete Form I-864, even if a joint sponsor also submits an I-864.



Form I-864 (cont..)

Joint Sponsor:

- An individual who is willing to be held jointly liable with the petitioner for the support of the intending immigrant.
- Does not have to be related to the petitioning sponsor or the intending immigrant.
- May not combine income with the petitioner or a second joint sponsor to meet income requirements for any sponsored individual.
- A second joint sponsor may be used to meet the income requirements if there is more than one family member.



Why do some files have a Joint Sponsor?

- If the petitioner or substitute sponsor cannot demonstrate the ability to maintain an income of at least 125% (or 100% when applicable) of the Federal Poverty Guidelines, the intending immigrant may meet the Affidavit of Support requirement by obtaining a joint sponsor who is willing to accept joint responsibility with the principal sponsor as to the obligation to provide support to the sponsored alien and to reimburse agencies who provide means-tested benefits to the sponsored alien during the period that the Affidavit is enforceable.



- The use of a joint sponsor does not eliminate the requirement that there be a signed Form I-864 from the petitioner or substitute sponsor with his or her most recent Federal tax return (or proof that there was no obligation to file).
- The petitioner or substitute sponsor, as well as the joint sponsor, has full financial responsibility for immigrant(s) they sponsor.
- If two joint sponsors are used, each joint sponsor is responsible for supporting only the intending immigrant(s) listed on that joint sponsor's Form I-864.



Form I-864 (cont..)

When is a Joint Sponsor not needed?

- If the petitioning or substitute sponsor meets the income requirements based on his or her own income, there can be no joint sponsor.
 - Do not stamp the I-864 from the joint sponsor



Example 1 of Joint Sponsorship

- John is a USC who just graduated college and started his first job. He met Jane in college and they got married. John is now petitioning for Jane. John did not file an income tax return last year as he was a college student and did not earn an income. After graduation, he was offered a job. His current annual income is just below the current federal poverty guide lines for his household size and domicile. John's friend agrees to be a joint sponsor and submits a completed Form I-864, federal income tax return, W-2's, and his birth certificate from Texas. John's friend's income meets the current federal poverty guide lines.



Example 2 of Joint Sponsorship

- Let's take the previous example and expand the family size to include 2 dependent children that are immigrating with their mother Jane. John's friend who agreed to be a joint sponsor can only meet the poverty guidelines for Jane and one child. John can add another Joint Sponsor to sponsor the other child only.



Example 2 of Joint Sponsor (cont..)

- The Joint Sponsors do not combine their incomes with the sponsor, nor do they combine their incomes.
- Each intending immigrant has only 1 Joint Sponsor, yet the household now has 2 joint sponsors.



Form I-864 (cont..)

Substitute Sponsor

- The death of the qualifying relative does not relieve the alien of the need to have a valid and enforceable Form I-864, Affidavit of Support. If the alien is required to have a Form I-864, a substitute sponsor will need to submit a Form I-864.



Form I-864 (cont..)

Substitute Sponsor (Cont.)

- The substitute sponsor must be the sponsored alien's:
 - Spouse
 - Parent
 - Son
 - Daughter
 - Sibling
 - Child (if at least 18 years of age)
 - Grandparent
 - Legal Guardian
 - Father-in-law
 - Mother-in-law
 - Son-in-law
 - Daughter-in-law
 - Sister-in-law
 - Brother-in-law
 - Grandchild



Form I-864A, Contract Between Sponsor and Household Member

Purpose:

- Used when sponsor's income and assets do not meet the income requirements and the qualifying household member chooses to combine their income and assets with the sponsor's to meet requirements.
- A separate I-864A must be used for each household member.



Form I-864A (cont..)

Who may be a Household Member?

- A relative who has the same principal residence as the sponsor and is related to the sponsor as a spouse, adult child, parent, or sibling;
- A relative or other person whom the sponsor has lawfully claimed as a dependent on the sponsor's most recent Federal income tax return even if that person does not live at the same residence as the sponsor;



Form I-864A (cont..)

Who may be a Household Member? (cont..)

- The intending immigrant, in certain circumstances.
 1. The intending immigrant has the same principal residence as the sponsor and the intending immigrant can establish that his or her income will continue from the same source, even after acquisition of permanent residence.
 2. The intending immigrant is the sponsor's spouse and the intending immigrant can show that his or her income will continue from the same source after acquisition of permanent residence.



Form I-864A (cont..)

Use of Spouse's Income:

- A sponsor's spouse who qualifies as a household member and wishes to include his/her income to meet income requirements generally must file Form I-864A.
- If the spouse is not willing to let the sponsor rely on the spouse's income, the sponsor must provide evidence of his/her own income and which portion of any assets used to qualify can be attributed to him or her.



Form I-864A (cont..)

Use of Intending Immigrant's Income:

- Form I-864A is not required unless there are accompanying children listed in the Affidavit of Support.
- Income from an intending immigrant's unauthorized employment may not be considered in determining whether the sponsor's anticipated household income meets the applicable Poverty Guidelines threshold.



Form I-864A (cont..)

Use of Intending Immigrant's Assets:

- The intending immigrant does not need to complete Form I-864A if he or she is using his or her assets to qualify even if he or she has an accompanying spouse and/or children.



Form I-864EZ, Affidavit of Support Under Section 213A of the Act

Purpose: A Shorter version of Form I-864

Who may use Form I-864EZ?

Use Form I-864EZ if all following conditions apply:

1. Sponsor must be the person who filed the Form I-130 for the sponsored relative.
2. The relative being sponsored is the only person listed on the I-130 petition.
3. The income used to qualify is based entirely on salary or pension and is shown on W-2 or 1099.



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Form I-864EZ (cont..)

Restrictions for use of Form I-864EZ:

- Employment based applications MAY NOT use I-864EZ;
- No Joint Sponsor is allowed;
- No Substitute Sponsor's are allowed;
- Multiple beneficiaries are not allowed.



Form I-864P

Poverty Guidelines

- Health and Human Services publishes new Poverty Guidelines in the Federal Register each year. These guidelines become effective for USCIS purposes on the first day of the second full month following their release.
- USCIS publishes the governing guideline for the location and size of each household on Form I-864P, Poverty Guidelines.



Form I-864P (cont..)

- Lists the Poverty Guidelines
 - For the 48 Contiguous States, D.C., Puerto Rico, U.S. Virgin Islands and Guam
 - Alaska
 - Hawaii



I-864P (cont.)

OMB No. 1615-0116; Expires 10/31/2012

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-864P, 2012 HHS Poverty Guidelines for Affidavit of Support

2012 HHS Poverty Guidelines*

Minimum Income Requirements for Use in Completing Form I-864

For the 48 Contiguous States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands:

<u>Sponsor's Household Size</u>	<u>100% of HHS Poverty Guidelines*</u>	<u>125% of HHS Poverty Guidelines*</u>
	<i>For sponsors on active duty in the U.S. Armed Forces who are petitioning for their spouse or child</i>	<i>For all other sponsors</i>
2	\$15,130	\$18,912
3	\$19,090	\$23,862
4	\$23,050	\$28,812
5	\$27,010	\$33,762
6	\$30,970	\$38,712
7	\$34,930	\$43,662
8	\$38,890	\$48,612
	Add \$3,960 for each additional person.	Add \$4,950 for each additional person.



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I-864P (cont.)

For Alaska:			For Hawaii:		
Sponsor's Household Size	100% of HHS Poverty Guidelines*	125% of HHS Poverty Guidelines*	Sponsor's Household Size	100% of HHS Poverty Guidelines*	125% of HHS Poverty Guidelines*
	<i>For sponsors on active duty in the U.S. Armed Forces who are petitioning for their spouse or child</i>			<i>For sponsors on active duty in the U.S. Armed Forces who are petitioning for their spouse or child</i>	
	<i>For all other sponsors</i>			<i>For all other sponsors</i>	
2	\$18,920	\$23,650	2	\$17,410	\$21,762
3	\$23,870	\$29,837	3	\$21,960	\$27,450
4	\$28,820	\$36,025	4	\$26,510	\$33,137
5	\$33,770	\$42,212	5	\$31,060	\$38,825
6	\$38,720	\$48,400	6	\$35,610	\$44,512
7	\$43,670	\$54,587	7	\$40,160	\$50,200
8	\$48,620	\$60,775	8	\$44,710	\$55,887
	Add \$4,950 for each additional person.	Add \$6,187 for each additional person.		Add \$4,550 for each additional person.	Add \$5,687 for each additional person.



I-864P (cont.)

Means - Tested Public Benefits

Federal Means-Tested Public Benefits. To date, Federal agencies administering benefit programs have determined that Federal means-tested public benefits include Food Stamps, Medicaid, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and the State Child Health Insurance Program (SCHIP).

State Means-Tested Public Benefits. Each State will determine which, if any, of its public benefits are means-tested. If a State determines that it has programs which meet this definition, it is encouraged to provide notice to the public on which programs are included. Check with the State public assistance office to determine which, if any, State assistance programs have been determined to be State means-tested public benefits.

Programs Not Included: The following Federal and State programs are not included as means-tested benefits: emergency Medicaid; short-term, non-cash emergency relief; services provided under the National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; student assistance under the Higher Education Act and the Public Health Service Act; certain forms of foster-care or adoption assistance under the Social Security Act; Head Start Programs; means-tested programs under the Elementary and Secondary Education Act; and Job Training Partnership Act programs.

* These poverty guidelines remain in effect for use with Form I-864, Affidavit of Support, from March 1, 2012 until new guidelines go into effect in 2013.



Form I-864W, Intending Immigrant's Affidavit of Support Exemption

Who may file Form I-864W:

- An intending immigrant who is a child who will become a USC immediately under the Child Citizenship Act of 2000 (CCA).
- An intending immigrant filing for an immigrant visa as a self-petitioning widow(er) using Form I-360.
- An intending Immigrant who has earned or can be credited with 40 quarters of coverage under the Social Security Act.



Form I-864W (cont..)

Methods to Acquire 40 qualifying quarters:

- Working in the United States for 40 quarters in which you received the minimum income established by the Social Security Administration; or
- By being credited under section 213(a)(3)(B) of the Immigration and Nationality Act with quarters worked by your spouse during the marriage or a parent during the time you were under 18 years of age; or
- A combination of the above.



Form I-864W (cont..)

Income requirements for QC

- The only way that you earn credits is through working for wages in a job that is covered by Social Security or having net income from self-employment.
- Income not included:
 - Unearned income such as pensions, interest or dividends from your savings and investments.
- If you are claiming credit for quarters worked by a spouse or parent, you may not count any quarter in which the spouse or parent was receiving means tested public benefits.



Form I-864W (cont..)

Qualifying Quarters Defined:

- The term “quarter”, and the term “calendar quarter”, mean a period of three calendar months ending on March 31, June 30, September 30, or December 31.
- The amount of earnings required for a quarter of coverage in 2012 is \$1,130.
- No matter how high your earnings may be, you can not earn more than 4 QC's a year.



Form I-864W (cont..)

Qualifying Quarters:

- The legal term is “Quarter of Coverage”
- AKA: “Social Security Credit”, “Credit”, or “QC”.
- A QC is the basic unit for determining whether a worker is insured under the Social Security program.
- You qualify for Social Security benefits by earning Social Security credits when you work in a job and pay Social Security taxes.



Form I-864W (cont..)

Qualifying Quarters: (cont..)

- For any qualifying quarter to be creditable for any period, the alien must not have received any Federal means-tested public benefit during that quarter.
 - Federal means tested benefits include: SSI (Supplemental Security income), TANF (Temporary Assistance for Needy Families), food stamps, Medicaid, and State Child Health Insurance Programs (SCHIP).
 - State and local means tested benefits vary by jurisdiction.



Form I-864W (cont..)

Social Security Online

www.socialsecurity.gov

Automatic Increases

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Quarter of Coverage

Amount of earnings needed to earn one quarter of coverage

<u>Year</u>	<u>Earnings</u>	<u>Year</u>	<u>Earnings</u>	<u>Year</u>	<u>Earnings</u>
1978	\$250	1993	\$590	2008	\$1,050
1979	260	1994	620	2009	1,090
1980	290	1995	630	2010	1,120
1981	310	1996	640	2011	1,120
1982	340	1997	670	2012	1,130
1983	370	1998	700		
1984	390	1999	740		
1985	410	2000	780		
1986	440	2001	830		
1987	460	2002	870		
1988	470	2003	890		
1989	500	2004	900		
1990	520	2005	920		
1991	540	2006	970		
1992	570	2007	1,000		



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Important Information

Where do I find the Applications?

- <http://www.uscis.gov/files/form/I-864.pdf>
- <http://www.uscis.gov/files/form/I-864A.pdf>
- <http://www.uscis.gov/files/form/I-864EZ.pdf>
- <http://www.uscis.gov/files/form/I-864W.pdf>
- <http://www.uscis.gov/files/form/I-864P.pdf>

Where do I find Laws and Regulations?

- USCIS Connect > USCIS Working Resources
- Adjudicator Toolbox



Sufficiency of Form I-864

- USCIS shall as a general rule determine the sufficiency of a Form I-864 based on the sponsor's reasonably anticipated household income for the year in which the sponsor signed the Form I-864.



Sufficiency of Form I-864 (cont..)

- If the NBC vetting process indicates that the Form I-864 was sufficient when reviewed, an adjudicator may generally rely on that determination, unless it is determined, on the basis of specific reasons, that a request for evidence is appropriate.



Sufficiency of the I-864 (cont..)

Requests for Evidence:

- USCIS may encounter a case in which the sponsor neglected to file evidence corroborating the sponsor's claims about his or her employment and anticipated income for the year in which the sponsor signed the Form I-864.
- Strictly speaking, failure to submit this evidence would be a sufficient reason to issue a request for evidence and to deny the Form I-485 if the requested evidence is not submitted.



Sufficiency of Form I-864 (cont..)

Requests for Evidence: (cont..)

- Before issuing a request for evidence, however, USCIS should consider whether other evidence in the record supports the conclusion that the sponsor's claims on the Form I-864 about the sponsor's current employment and anticipated income are true.
- Remember, the sponsor's statements about his or her employment and anticipated income are made under penalty of perjury. Thus, these statements on the Form I-864 are themselves evidence.



Sufficiency of Form I-864 (cont..)

Requests for Evidence: (cont..)

- Other evidence in the record may already tend to corroborate those statements. For example, the sponsor's claims about his or her anticipated income for 2011 may well be consistent with the income tax return for 2010.
- But if the other evidence tends to support the conclusion that the sponsor's claims are true, USCIS may decide, as a matter of discretion, that a request for evidence is not necessary.



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Sufficiency of I-864 (cont..)

Requests for Evidence: (cont..)

- USCIS may also decide that a request for evidence is not necessary in a case in which the sponsor filed a photocopy, instead of a transcript, but forgot to submit Internal Revenue Service Forms W-2 or 1099.
- A decision not to request additional evidence will be proper if USCIS concludes that the evidence of record, taken as a whole, makes it reasonable to infer that the information on the tax return is true.



Example of Discretion & Common Sense

The petitioner/sponsor submits a signed I-864 for a household size of 2 with current income of \$21,450 dated and receipted on April 25, 2012. The petitioner also submitted a Form 1040 for 2011 filed as single with line 22 showing income of \$19,700. Do we need to send RFE for W-2?



W-2's/1099's, Discretion, & Common Sense

- A decision not to request additional evidence will be proper if USCIS concludes that the evidence of record, taken as a whole, makes it reasonable to infer that the information on the tax return is true.



Another Example of Discretion & Common Sense

The petitioner/sponsor submits a signed I-864 for a household size of 3 with current income of \$24,450 dated and receipted on April 25, 2012. The petitioner also submitted a 1040 for 2011 filed as married filing joint with line 22 showing income of \$22,700. (FYI: 2012 Poverty guidelines for Household size of 3 is \$23,862). The spouse is the intending immigrant. The spouse's occupation on the federal income tax return is listed as housewife and the G-325 indicates the spouse's occupation is a stay at home mom. The federal income tax return also shows a qualifying child tax credit. Do we need to send RFE for W-2?



Reviewing Form I-864

Part 1

Basis for filing Affidavit of Support:

1. Verify name is completed
(if box 1.a. is checked, the name must match the petitioner on the I-130 or I-129f.)
2. Verify sponsor has checked the correct box in Part 1.
(if box 1.d. or e. is checked, and the petitioner's name appears on the I-864 – make corrections)



Reviewing Form I-864 (cont..)

Part 2

Information on the principal immigrant:

1. Verify the intending immigrant's name and address is completed.
2. Compare the information provided with information from other documents included in the application.



Reviewing Form I-864 (cont..)

Part 3

Information on the immigrant (s):

1. Be sure that the first and last name of each accompanying family member is listed.
2. Family members “following to join” should not be listed in Part 3 (i.e., intending to immigrate more than 6 months after principal intending immigrant).



Reviewing Form I-864 (cont..)

- The total amount entered on Line 10 must be included in the household size computation in Part 5.

Part 3. Information on the immigrant(s) you are sponsoring.

8. I am sponsoring the principal immigrant named in Part 2 above.
 Yes No (Applicable only in cases with two joint sponsors)
9. I am sponsoring the following family members immigrating at the same time or within six months of the principal immigrant named in Part 2 above. Do not include any relative listed on a separate visa petition.

Name	Relationship to Sponsored Immigrant	Date of Birth (mm/dd/yyyy)	A-Number (if any)	U.S. Social Security Number (if any)
a.				
b.				
c.				
d.				
e.				

10. Enter the total number of immigrants you are sponsoring on this form from Part 3, Items 8 and 9.

Form I-864 (Rev. 10/18/07)Y



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Reviewing Form I-864 (cont..)

Part 4

Information on the Sponsor:

1. Verify the sponsor's name and address is completed. It should be the same name entered in Part 1.
2. Compare the information provided with information from other documents included in the application.



Reviewing Form I-864 (cont..)

- Check address with any household member's I-864A.

Part 4. Information on the Sponsor.		
11. Name	Last Name	
	First Name	Middle Name
12. Mailing Address	Street Number and Name <i>(Include Apartment Number)</i>	
	City	State or Province
	Country	Zip/Postal Code
13. Place of Residence <i>(if different from mailing address)</i>	Street Number and Name <i>(Include Apartment Number)</i>	
	City	State or Province
	Country	Zip/Postal Code



Reviewing Form I-864 (cont..)

- Documentation should be provided to support claim of status. CLAIMS and CIS can be used to verify.
- Claims of Military Service must be supported with documentation (copy of ID, LES, etc.)

14. Telephone Number <i>(Include Area Code or Country and City Codes)</i>		
15. Country of Domicile		
16. Date of Birth <i>(mm/dd/yyyy)</i>		
17. Place of Birth <i>(City)</i>	State or Province	Country
18. U.S. Social Security Number <i>(Required)</i>		
19. Citizenship/Residency <input type="checkbox"/> I am a U.S. citizen. <input type="checkbox"/> I am a U.S. national (for joint sponsors only). <input type="checkbox"/> I am a lawful permanent resident. My alien registration number is A-_____		
If you checked box (b), (c), (d), (e) or (f) in line 1 on Page 1, you must include proof of your citizen, national, or permanent resident status.		
20. Military Service <i>(To be completed by petitioner sponsors only.)</i>		
I am currently on active duty in the U.S. armed services. <input type="checkbox"/> Yes <input type="checkbox"/> No National Benefits Center		



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Reviewing Form I-864 (cont..)

Part 5. Sponsor's Household Size:

1. The sponsor's total household size is used to determine the correct Federal Poverty Guideline.

Part 5. Sponsor's household size.		For Government Use Only
21. Your Household Size - <u>DO NOT COUNT ANYONE TWICE</u>		
<i>Persons you are sponsoring in this affidavit:</i>		
a. Enter the number you entered on line 10.	<input type="text"/> <input type="text"/>	
<i>Persons NOT sponsored in this affidavit:</i>		
b. Yourself.	<input type="text" value="1"/>	
c. If you are currently married, enter "1" for your spouse.	<input type="text"/>	
d. If you have dependent children, enter the number here.	<input type="text"/> <input type="text"/>	
e. If you have any other dependents, enter the number here.	<input type="text"/> <input type="text"/>	
f. If you have sponsored any other persons on an I-864 or I-864 EZ who are now lawful permanent residents, enter the number here.	<input type="text"/> <input type="text"/>	
g. OPTIONAL: If you have <u>siblings, parents, or adult children</u> with the same principal residence who are combining their income with yours by submitting Form I-864A, enter the number here.	<input type="text"/> <input type="text"/>	
h. Add together lines and enter the number here. Household Size:		<input type="text"/> <input type="text"/>



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Determining Household Size

- The petitioner/sponsor's household size includes:
 - The petitioner/sponsor
 - All persons being sponsored on this affidavit of support.
 - The sponsor's spouse
 - All of the sponsor's dependent children under age of 21
 - Any other dependents listed on your most recent federal income tax return



Determining Household Size? (cont..)

- The petitioner/sponsor's household size includes:
(cont..)
 - Any immigrants previously sponsored with a Form I-864 or I-864EZ whom the petitioner/sponsor is obligated to support
 - Household members with same principal residence who are combining their income with yours by submitting an I-864A.

Note: When calculating household size, do not count any person more than once.



Reviewing Form I-864 (cont..)

Part 6 Sponsor's Income and Employment:

- The sponsor must demonstrate the means to maintain an income of at least 125% of the Federal Poverty Guidelines for the sponsor's household size, including the immigrants being sponsored or previously sponsored.
 - A sponsor on active duty in the U.S. Armed Forces, other than active duty for training, who is petitioning for a spouse or child must only demonstrate the means to maintain an income equal to at least 100% of the Federal Poverty Guidelines.



Reviewing Form I-864 (cont..)

- Entries may help determine the sponsor's Income tax filing requirement.
 - Unemployed during recent tax year
 - Student or retired.

Part 6. Sponsor's income and employment.

22. I am currently:

- a. Employed as a/an _____
Name of Employer #1 (if applicable) _____
Name of Employer #2 (if applicable) _____
- b. Self-employed as a/an _____
- c. Retired from _____ since _____
(Company Name) (Date)
- d. Unemployed since _____
(Date)

23. My current individual annual income is: \$ _____
(See Step-by-Step Instructions)



Reviewing Form I-864 (cont..)

- Household members are required to submit Form I-864A (Exception: Intending immigrants with no accompanying family members).

24. My current annual household income:

a. List your income from line 23 of this form. \$ _____

b. Income you are using from any other person who was counted in your household size, including, in certain conditions, the intending immigrant. (See step-by-step instructions.) Please indicate name, relationship and income.

Name	Relationship	Current Income
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

c. Total Household Income: \$ _____
(Total all lines from 24a and 24b. Will be Compared to Poverty Guidelines -- See Form I-864P.)

d. The persons listed above have completed Form I-864A. I am filing along with this form all necessary Forms I-864A completed by these persons.

e. The person listed above, _____ does not need to
(Name)
complete Form I-864A because he/she is the intending immigrant and has no accompanying dependents.

For Government Use Only

Household Size = _____

Poverty line for year _____ is: \$ _____



Income Requirements

Income includes:

- Earned benefits such as Social Security retirement, pensions, unemployment compensation, and workman's compensation may be included as income.
- Non-taxable income such as VA disability income, nontaxable pensions (Roth IRAs), student stipends.

Income NOT to include:

- State and local means-tested benefits



Income Requirements (cont..)

- Miscellaneous Income which may include:
 - Alimony
 - Child support
 - Dividend or interest income
 - Income from any other source



Documentation of Income

- Job Letters and Proof of Income:
 - May be used to demonstrate that the sponsor was not obligated to file a Federal income tax return for the most recent tax year, or
 - May be used to establish that the sponsor's current income is sufficient to meet the poverty threshold even if the tax return without any other documentation might warrant a finding that it is not sufficient.



Documentation of Income (cont..)

Employment Letters:

- If submitted, letters from current employers should show:
 - dates of employment,
 - the nature of the job,
 - wages or salary earned,
 - number of hours/weeks worked,
 - and prospects for future employment and advancement. It should be sufficient for the employer to say that the employment is of indefinite duration or words of similar effect. Promises of future employment are not required.



Documentation of Income (cont..)

Employment Letters: (cont..)

- This is probably another BIG RFE situation.
- A good portion of the employment letters we receive to show current income, are incomplete and missing the most basic of information....dates of employment, salary/wages earned, and hours per week if wages are stated.



Acceptable Job Letter?



Swift & Company

October 27, 2008

To Whom It May Concern:

Julio [REDACTED] SSN [REDACTED] 59 has been employed at [REDACTED] in [REDACTED], Nebraska since 01/29/07.

He is currently employed in the Personnel Department making an annual salary of \$47,730.00.

He is considered a valuable employee.

Sincerely,
Swift & Company

Mary [REDACTED]

Mary [REDACTED]
Human Resources Manager



U.S. Department of
Homeland Security
Services

MC/bh

National Benefits Center

NOV 03 09:58:37 AM '08
NOV 14 09:11:08 AM '08
NOV 15 10:08:15 AM '08
NOV 16 09:25:15 AM '08
NOV 17 09:25:15 AM '08
NOV 18 09:25:15 AM '08
NOV 19 09:25:15 AM '08
NOV 20 09:25:15 AM '08
NOV 21 09:25:15 AM '08
NOV 22 09:25:15 AM '08
NOV 23 09:25:15 AM '08
NOV 24 09:25:15 AM '08
NOV 25 09:25:15 AM '08
NOV 26 09:25:15 AM '08
NOV 27 09:25:15 AM '08
NOV 28 09:25:15 AM '08
NOV 29 09:25:15 AM '08
NOV 30 09:25:15 AM '08
NOV 01 09:25:15 AM '08
NOV 02 09:25:15 AM '08
NOV 03 09:25:15 AM '08
NOV 04 09:25:15 AM '08
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NOV 25 09:25:15 AM '08
NOV 26 09:25:15 AM '08
NOV 27 09:25:15 AM '08
NOV 28 09:25:15 AM '08
NOV 29 09:25:15 AM '08
NOV 30 09:25:15 AM '08

Foreign Income

- Foreign income tax returns are not acceptable.
- If the sponsor did not file a tax return, the sponsor must prove that he or she was not required to file.
- If a sponsor should have filed, the sponsor must file retroactively and provide proof of filing.



Foreign Income (cont..)

- Note that U.S. citizens generally have an obligation to file a tax return on non-U.S. earnings even if there was no tax liability.
- How to Identify Foreign Earned Income
 - The petitioner/sponsor shows a negative income on line 22 of IRS Form 1040,
 - The petitioner/sponsor shows Form 2555 on line 21 of IRS Form 1040, and
 - The petitioner/sponsor attached a copy of Form 2555, Foreign Earned Income.



Foreign Income

- The amount is reported on Form 1040, line 21 as a negative entry.

Income	7	Wages, salaries, tips, etc. Attach Form(s) W-2	7	100000
	8a	Taxable interest. Attach Schedule B if required	8a	
Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld.	b	Tax-exempt interest. Do not include on line 8a	8b	
	9a	Ordinary dividends. Attach Schedule R if required	9a	
If you did not get a W-2, see page 22.	b	Qualified dividends (see page 22)	9b	
	10	Taxable refunds, credits, or offsets of state and local income taxes (see page 23)	10	
Enclose, but do not attach, any payment. Also, please use Form 1040-V.	11	Alimony received	11	
	12	Business income or (loss). Attach Schedule C or C-EZ	12	
	13	Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/>	13	
	14	Other gains or (losses). Attach Form 4797	14	
	15a	IRA distributions 15a 6000	b Taxable amount (see page 24)	15b 5000
	16a	Pensions and annuities 16a 10000	b Taxable amount (see page 25)	16b 5000
	17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	17	
	18	Farm income or (loss). Attach Schedule F	18	
	19	Unemployment compensation in excess of \$2,400 per recipient (see page 27)	19	
	20a	Social security benefits 20a 11000	b Taxable amount (see page 27)	20b 9350
	21	Other income. List type and amount (see page 29) Form 2555	21	(87500)
	22	Add the amounts in the far right column for lines 7 through 21. This is your total income ▶	22	31850



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Reviewing Form I-864 (cont..)

• Federal Income tax return Information.

25. Federal income tax return information.

- I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for only the most recent tax year.

My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal tax returns for the most recent three years was:

Tax Year		Total Income
<u>2009</u>	<i>(most recent)</i>	\$ <u> </u>
<u>2008</u>	<i>(2nd most recent)</i>	\$ <u> </u>
<u>2007</u>	<i>(3rd most recent)</i>	\$ <u> </u>

- (Optional)* I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.



Documentation of Income (cont..)

Federal Income Tax Returns

Form	1040	Department of the Treasury—Internal Revenue Service (99)	2011
	U.S. Individual Income Tax Return		
For the year Jan. 1–Dec. 31, 2011, or other tax year beginning _____, 2011, ending _____			
Your first name and initial		Last name	
If a joint return, spouse's first name and initial		Last name	

Form	Department of the Treasury—Internal Revenue Service		
1040A	U.S. Individual Income Tax Return (99)	2011	
Your first name and initial		Last name	
If a joint return, spouse's first name and initial		Last name	

	Department of the Treasury—Internal Revenue Service		
Form	Income Tax Return for Single and		
1040EZ	Joint Filers With No Dependents (99)	2011	
Your first name and initial		Last name	
If a joint return, spouse's first name and initial		Last name	



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Federal Income Tax Returns

Requirement for submitting Income Tax Return

- Each sponsor must submit either an IRS Tax Return Transcript or a copy of his or her most recent US. Federal individual income tax return (Form 1040, 1040A or 1040EZ), including all Schedules filed with the IRS.
- If the sponsor submits a copy of the tax return, he or she must also include all the supplements and attachments that were sent to the IRS with the tax return .
- Corporate/Partnership returns or foreign income tax returns are not acceptable.



Federal Income Tax Returns (cont..)

Who is not obligated to submit a Federal Income Tax Return?

- Individuals with stated income which is less than the Federal Filing requirement for their filing status.
- Individuals who claim on their Form I-864 or with a separate written statement that their income was too low to file.

Note: Residence outside the U.S. does not exempt U.S. citizens or lawful permanent residents from filing a Federal income tax return.



Federal Income Tax Returns (cont..)

- Be aware of the income threshold for the requirement of filing a tax return so that an RFE for evidence of the law is not necessary.
- If a sponsor has a filing requirement, the sponsor must file all late returns with the IRS and provide proof of filing.
- If the sponsor requested an extension, the sponsor should provide proof of filing for the extension (Form 4868).



2011 Federal Filing Requirements

<http://www.irs.gov/pub/irs-pdf/i1040.pdf>

Chart A—For Most People

IF your filing status is . . .	AND at the end of 2011 you were* . . .	THEN file a return if your gross income** was at least . . .
Single (see the instructions for line 1)	under 65	\$9,500
	65 or older	10,950
Married filing jointly*** (see the instructions for line 2)	under 65 (both spouses)	\$19,000
	65 or older (one spouse)	20,150
	65 or older (both spouses)	21,300
Married filing separately (see the instructions for line 3)	any age	\$3,700
Head of household (see the instructions for line 4)	under 65	\$12,200
	65 or older	13,650
Qualifying widow(er) with dependent child (see the instructions for line 5)	under 65	\$15,300
	65 or older	16,450

*If you were born on January 1, 1947, you are considered to be age 65 at the end of 2011.

**Gross income means all income you received in the form of money, goods, property, and services that is not exempt from tax, including any income from sources outside the United States or from the sale of your main home (even if you can exclude part or all of it). Do not include any social security benefits unless (a) you are married filing a separate return and you lived with your spouse at any time in 2011 or (b) one-half of your social security benefits plus your other gross income and any tax-exempt interest is more than \$25,000 (\$32,000 if married filing jointly). If (a) or (b) applies, see the instructions for lines 20a and 20b to figure the taxable part of social security benefits you must include in gross income. Gross income includes gains, but not losses, reported on Form 8949. Gross income from a business means, for example, the amount on Schedule C, line 7, or Schedule F, line 9. But, in figuring gross income, do not reduce your income by any losses, including any loss on Schedule C, line 7, or Schedule F, line 9.

***If you did not live with your spouse at the end of 2011 (or on the date your spouse died) and your gross income was at least \$3,700, you must file a return regardless of your age.



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Federal Income Tax Returns (cont..)

Which Tax Return do I use?

- The most recent income tax return or IRS transcript must be submitted with the I-485 Application.
- The most recent tax year is determined by the date the Form I-864 is signed (or the date a RFE is sent) relative to the tax filing due date (usually April 15).



Which Tax Return do I use? (cont..)

Example 1:

- Form I-864 signed on 25 March, 2012
 - Tax due date for 2011 returns is April 17, 2012
 - The most recent tax return is 2010

f. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.

g. Any and all other evidence submitted is true and correct.

31. John Doe

(Sponsor's Signature)

03/25/2012

(Date-- mm/dd/yyyy)



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Which Tax Return do I use? (cont..)

Example 2:

- Form I-864 signed on 25 April, 2012
 - Tax due date for 2011 returns is April 17, 2012
 - The most recent tax return is 2011

f. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.

g. Any and all other evidence submitted is true and correct.

31. John Doe

(Sponsor's Signature)

04/25/2012

(Date-- mm/dd/yyyy)



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Which Tax Return do I use? (cont..)

Example 3:

- Form I-864 signed on 25 March, 2012
- An RFE is sent on 10 May, 2012
 - Tax due date for 2011 returns is April 17, 2012
 - The most recent tax return is 2011



Do I need a current federal income tax return?

- Where to look, what to look for, and when to ask for more information regarding employment.



Example 1: Retired Individual

Part 6. Sponsor's income and employment.

22. I am currently:

- a. Employed as a/an _____
Name of Employer #1 (if applicable) _____
Name of Employer #2 (if applicable) _____
- b. Self-employed as a/an _____
- c. Retired from XYZ Company since 02/01/2006
(Company Name) (Date)
- d. Unemployed since _____
(Date)

23. My current individual annual income is: \$ 0.00
(See Step-by-Step Instructions)



Answer:

- No, Petitioner/Sponsor does not need a current federal income tax return.
- Petitioner/Sponsor did not earn any money to claim. (May have nontaxable pensions or Social Security income)
- Should have a Joint Sponsor with a completed Form I-864; or
- A household member with a completed Form I-864A.



Example 2: Sponsor is unemployed

Part 6. Sponsor's income and employment.

22. I am currently:

- a. Employed as a/an _____
Name of Employer #1 (if applicable) _____
Name of Employer #2 (if applicable) _____
- b. Self-employed as a/an _____
- c. Retired from _____ since _____
(Company Name) (Date)
- d. Unemployed since _____
(Date) 11/20/2007

23. My current individual annual income is:

\$ 0.00

(See Step-by-Step Instructions)



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Answer:

- No, The petitioner/sponsor does not need a current federal income tax return.
- Petitioner/Sponsor did not earn any money to claim on federal income tax return.
- Should have a Joint Sponsor with a completed Form I-864; or
- A household member with a completed Form I-864A.



Example 3: Sponsor is a student

Part 6. Sponsor's income and employment.

22. I am currently:

- a. Employed as a/an Student
Name of Employer #1 (if applicable) _____
Name of Employer #2 (if applicable) _____
- b. Self-employed as a/an _____
- c. Retired from _____ since _____
(Company Name) (Date)
- d. Unemployed since _____
(Date)

23. My current individual annual income is: \$ 0.00
(See Step-by-Step Instructions)



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Answer:

- No, since no income was earned, the petitioner/sponsor will not have a current federal income tax return.
- Should have a Joint Sponsor with a completed Form I-864; or
- A household member with a completed Form I-864A.



Example 4: Single status on tax return

25. Federal income tax return information.

- I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for only the most recent tax year.

My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal tax returns for the most recent three years was:

Tax Year		Total Income
2011	(most recent)	\$ 7,500.00
2010	(2nd most recent)	\$ 8,500.00
2009	(3rd most recent)	\$ 8,000.00

- (Optional) I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.



Answer:

- No, the petitioner/sponsor did not earn enough income to file a federal income tax return.
- Should have a Joint Sponsor with a completed Form I-864; or
- A household member with a completed Form I-864A.



Petitioner/sponsor statements on Form I-864 or in response to RFE:

- The petitioner/sponsor is stating they earned sufficient income to meet or exceed poverty guide lines but was not required to file federal income taxes because they did not live in the U.S. nor worked in the U.S. while income was earned.



Your response should be...

- The petitioner/sponsor must provide a statement of explanation as to why he/she was not required to file federal income taxes, including a copy of the provisions of any statute, treaty, or regulation that supports the claim that he/she had no duty to file an income tax return with respect to that income.
- U.S. citizens, nationals and LPRs generally must file a U.S. tax return on non-U.S. earnings even if there was no tax liability.
- A joint sponsor will not overcome the petitioner/sponsor's duty to file an income tax return.



When is the petitioner/sponsor not required to send a letter stating why they are not required to file federal income tax returns?

- The petitioner/sponsor has stated on the I-864 they did not earn income and signed the affidavit under penalty of perjury that the information is true and correct.



30. I, _____,

(Print Sponsor's Name)

certify under penalty of perjury under the laws of the United States that:

- a. I know the contents of this affidavit of support that I signed.
- b. All the factual statements in this affidavit of support are true and correct.
- c. I have read and I understand each of the obligations described in Part 8, and I agree, freely and without any mental reservation or purpose of evasion, to accept each of those obligations in order to make it possible for the immigrants indicated in Part 3 to become permanent residents of the United States;
- d. I agree to submit to the personal jurisdiction of any Federal or State court that has subject matter jurisdiction of a lawsuit against me to enforce my obligations under this Form I-864;
- e. Each of the Federal income tax returns submitted in support of this affidavit are true copies, or are unaltered tax transcripts, of the tax returns I filed with the U.S. Internal Revenue Service; and

Sign on following page.

- f. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.
- g. Any and all other evidence submitted is true and correct.

31. _____

(Sponsor's Signature)

(Date-- mm/dd/yyyy)



Federal Income Tax Forms

Where to find the income:

Form I-864 instructions page 8:

- For purposes of this affidavit, the line for gross (total) income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040 EZ, the line for adjusted gross income will be considered.



Federal Income Tax Forms

- Form 1040 - Total Income, Line 22

Form	1040	Department of the Treasury—Internal Revenue Service (99)	2011	OMB No. 1545-0074
		U.S. Individual Income Tax Return		
For the year Jan. 1–Dec. 31, 2011, or other tax year beginning			2011, ending	20
Your first name and initial		Last name		
If a joint return, spouse's first name and initial		Last name		

Income

Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld.

If you did not get a W-2, see page 22.

Enclose, but do not attach, any payment. Also, please use Form 1040-V.

7	Wages, salaries, tips, etc. Attach Form(s) W-2	7	
8a	Taxable interest. Attach Schedule B if required	8a	
b	Tax-exempt interest. Do not include on line 8a	8b	
9a	Ordinary dividends. Attach Schedule B if required	9a	
b	Qualified dividends (see page 22)	9b	
10	Taxable refunds, credits, or offsets of state and local income taxes (see page 23)	10	
11	Alimony received	11	
12	Business income or (loss). Attach Schedule C or C-EZ	12	
13	Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/>	13	
14	Other gains or (losses). Attach Form 4797	14	
15a	IRA distributions	15a	
b	Taxable amount (see page 24)	15b	
16a	Pensions and annuities	16a	
b	Taxable amount (see page 25)	16b	
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	17	
18	Farm income or (loss). Attach Schedule F	18	
19	Unemployment compensation in excess of \$2,400 per recipient (see page 27)	19	
20a	Social security benefits	20a	
b	Taxable amount (see page 27)	20b	
21	Other income. List type and amount (see page 29)	21	
22	Add the amounts in the far right column for lines 7 through 21. This is your total income	22	

National Benefits Center



Federal Income Tax Forms

- Form 1040A - Total Income, Line 15

Form 1040A		Department of the Treasury—Internal Revenue Service		U.S. Individual Income Tax Return (99)		2011		IRS Use Only—D	
Your first name and initial				Last name					
If a joint return, spouse's first name and initial				Last name					

Income

Attach Form(s) W-2 here. Also attach Form(s) 1099-R if tax was withheld.

If you did not get a W-2, see page 24.

Enclose, but do not attach, any payment. Also, please use Form 1040-V.

7		Wages, salaries, tips, etc. Attach Form(s) W-2.		7	
8a		Taxable interest. Attach Schedule B if required.		8a	
b		Tax-exempt interest. Do not include on line 8a.		8b	
9a		Ordinary dividends. Attach Schedule B if required.		9a	
b		Qualified dividends (see page 25).		9b	
10		Capital gain distributions (see page 25).		10	
11a		IRA distributions.		11a	
11b		Taxable amount (see page 25).		11b	
12a		Pensions and annuities.		12a	
12b		Taxable amount (see page 26).		12b	
13		Unemployment compensation in excess of \$2,400 per recipient and Alaska Permanent Fund dividends (see page 28).		13	
14a		Social security benefits.		14a	
14b		Taxable amount (see page 28).		14b	
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15		Add lines 7 through 14b (far right column). This is your total income. ▶		15	

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Federal Income Tax Forms

- Form 1040-EZ - Adjusted Gross Income, Line 4

Department of the Treasury—Internal Revenue Service

Form **1040EZ** **Income Tax Return for Single and Joint Filers With No Dependents** (99) **2011** OMB No. 1545-0074

Your first name and initial	Last name	Your social security number ! !
If a joint return, spouse's first name and initial	Last name	Spouse's social security number ! !
Home address (number and street). If you have a P.O. box, see instructions.		Apt. no. ▲ Make sure the SSN(s) above are correct.
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions).		Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse
Foreign country name	Foreign province/county	Foreign postal code

Income	1 Wages, salaries, and tips. This should be shown in box 1 of your Form(s) W-2. Attach your Form(s) W-2.	1	
Attach Form(s) W-2 here.	2 Taxable interest. If the total is over \$1,500, you cannot use Form 1040EZ.	2	
Enclose, but do not attach, any payment.	3 Unemployment compensation and Alaska Permanent Fund dividends (see instructions).	3	
	4 Add lines 1, 2, and 3. This is your adjusted gross income.	4	



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Other Income Tax Forms

- Puerto Rico, Form 482 (Long Form)
Adjusted Gross Income, Line 5

Formulario 482 Rev. 5 dic 11

FORMA LARGA												<input type="radio"/> PLANILLA CON CHEQUE (FAVOR DE FIJAR CHEQUE EN ESTE LUGAR)																						
Liquidador						Revisor						2011						GOBIERNO DE PUERTO RICO DEPARTAMENTO DE HACIENDA						2011										
PLANILLA DE CONTRIBUCION SOBRE INGRESOS DE INDIVIDUOS												AÑO CONTRIBUTIVO 2011 O AÑO COMENZADO EL																						
_____ de _____ de _____ Y TERMINADO EL												_____ de _____ de _____																						
R	G	RO	V1	V2	P1	P2	N	D1	D2	E	A	M	Nombre del Contribuyente						Inicial		Apellido Paterno				Apellido Materno				Número de Seguro Social Contribuyente					

N) Ganancia neta de capital a largo plazo en Fondos de Inversión (Someta Anejo Q1)	(16)		00
O) Participación distributable en beneficios de sociedades, sociedades especiales y corporaciones de individuos (Someta Anejo R)	(17)		00
P) Pensión recibida por divorcio o separación (Núm. seguro social del que paga: _____) (18)	(19)		00
3. Total de Ingresos (Sume líneas 1B, 1C y 2A a la 2P)	(20)		00
4. Pensión Pagada por Divorcio o Separación (Núm. seg. soc. del que la recibe: _____) (21) (Núm. sentencia _____) (22)	(23)		00
5. Ingreso Bruto Ajustado (Línea 3 menos línea 4)	(25)		00



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Other Income Tax Forms

- Puerto Rico, Form 481 (Short Form)
Adjusted Gross Income, Line 4

Formulario 481 Rev. 27 oct 11

FORMACORTA		<input type="checkbox"/> PLANILLA CON CHEQUE (FAVOR DE FUJAR CHEQUE EN ESTE LUGAR)		Número de Serie									
Liquidador	Revisor	2011	GOBIERNO DE PUERTO RICO DEPARTAMENTO DE HACIENDA	2011	<input type="checkbox"/> PLANILLA ENMENDADA								
R	G	RO	V1	V2	P1	P2	N	D1	D2	E	A	M	
PLANILLA DE CONTRIBUCION SOBRE INGRESOS DE INDIVIDUOS AÑO CONTRIBUTIVO 2011 O AÑO COMENZADO EL _____ de _____ de _____ Y TERMINADO EL _____ de _____ de _____												<input type="checkbox"/> FALLECIDO DURANTE EL AÑO: ____ / ____ / ____ Día Mes Año	
Nombre del Contribuyente			Apellido Paterno	Apellido Materno	Número de Seguro Social Contribuyente							<input type="checkbox"/> CONTRIBUYENTE <input type="checkbox"/> CONYUGE	
Sello de Recibido													

2. Salarios del Gobierno Federal (Véanse instrucciones)	(02)			(04)	
3. Ingresos de anualidades y pensiones (Anejo H Individuo, Parte II, línea 12)	(05)				
4. Ingreso Bruto Ajustado (Sume el total de las líneas 1B, 2B y 3B)	(06)				



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Schedules used with Form 1040

- Schedule C or C-EZ (Sole Proprietorship)
- Schedule D (Capital gains and Losses)
- Schedule E (Rental/Royalty Income)
- Schedule F (Farm Income)



Schedules used with Form 1040 (cont..)

Schedule C:

- Used to report self employment income
- Sponsor's often attempt to use line 7 (gross income) to meet the income requirements.

Department of the Treasury Internal Revenue Service (99)		▶ For information on Schedule C and its instructions, go to www.irs.gov/schedulec ▶ Attach to Form 1040, 1040NR, or 1041; partnerships generally must file Form 1065.		Attachment Sequence No. 09	
Name of proprietor				Social security number (SSN)	
A Principal business or profession, including product or service (see instructions)				B Enter code from instructions ▶	
C Business name. If no separate business name, leave blank.				D Employer ID number (EIN), (see instr.) 	
E Business address (including suite or room no.) ▶ _____ City, town or post office, state, and ZIP code					
F Accounting method: (1) <input type="checkbox"/> Cash (2) <input type="checkbox"/> Accrual (3) <input type="checkbox"/> Other (specify) ▶ _____					
G Did you "materially participate" in the operation of this business during 2011? If "No," see instructions for limit on losses . . . <input type="checkbox"/> Yes <input type="checkbox"/> No					
H If you started or acquired this business during 2011, check here ▶ <input type="checkbox"/>					
I Did you make any payments in 2011 that would require you to file Form(s) 1099? (see instructions) <input type="checkbox"/> Yes <input type="checkbox"/> No					
J If "Yes," did you or will you file all required Forms 1099? <input type="checkbox"/> Yes <input type="checkbox"/> No					

Part I Income

1a	Merchant card and third party payments. For 2011, enter -0-	1a			
b	Gross receipts or sales not entered on line 1a (see instructions)	1b			
c	Income reported to you on Form W-2 if the "Statutory Employee" box on that form was checked. Caution. See instr. before completing this line	1c			
d	Total gross receipts. Add lines 1a through 1c	1d			
2	Returns and allowances plus any other adjustments (see instructions)	2			
3	Subtract line 2 from line 1d	3			
4	Cost of goods sold (from line 42)	4			
5	Gross profit. Subtract line 4 from line 3	5			
6	Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)	6			
7	Gross income. Add lines 5 and 6	7			



Schedules used with Form 1040 (cont.)

Schedule C (cont.)

Discretionary item:

- Depreciation expense (line 13) may be used to 'add back' to total income when determining if the sponsor meets the income requirements.

Part II Expenses. Enter expenses for business use of your home only on line 30.			
8	Advertising	8	
9	Car and truck expenses (see page C-6)	9	
10	Commissions and fees	10	
11	Contract labor (see page C-4)	11	
12	Depletion	12	
13	Depreciation and section 179 expense deduction (not included in Part III) (see page C-6)	13	
14	Employee benefit programs (other than on line 16)	14	
15	Insurance (other than health)	15	
16	Interest:		
	a Mortgage (paid to banks, etc.)	16a	
	b Other	16b	
17	Legal and professional services	17	
18	Office expense	18	
19	Pension and profit-sharing plans	19	
20	Rent or lease (see page C-6):		
	a Vehicles, machinery, and equipment	20a	
	b Other business property	20b	
21	Repairs and maintenance	21	
22	Supplies (not included in Part III)	22	
23	Taxes and licenses	23	
24	Travel, meals, and entertainment:		
	a Travel	24a	
	b Deductible meals and entertainment (see page C-6)	24b	
25	Utilities	25	
26	Wages (less employment credits)	26	
27	Other expenses (from line 48 on page 2)	27	



Schedules used with Form 1040

Schedule C (cont.)

• Schedule C income from line 31 carries to Form 1040, line 12 and is part of the total income

28	Total expenses before expenses for business use of home. Add lines 8 through 27	28	
29	Tentative profit or (loss). Subtract line 28 from line 7	29	
30	Expenses for business use of your home. Attach Form 8829	30	
31	Net profit or (loss). Subtract line 30 from line 29. <ul style="list-style-type: none"> • If a profit, enter on both Form 1040, line 12, and Schedule SE, line 2, or on Form 1040NR, line 13 (if you checked the box on line 1, see page C-7). Estates and trusts, enter on Form 1041, line 3. • If a loss, you must go to line 32. 	31	
32	If you have a loss, check the box that describes your investment in this activity (see page C-7). <ul style="list-style-type: none"> • If you checked 32a, enter the loss on both Form 1040, line 12, and Schedule SE, line 2, or on Form 1040NR, line 13 (if you checked the box on line 1, see the line 31 instructions on page C-7). Estates and trusts, enter on Form 1041, line 3. • If you checked 32b, you must attach Form 6198. Your loss may be limited. 	32a	<input type="checkbox"/> All investment is at risk.
		32b	<input type="checkbox"/> Some investment is not at risk.

For Paperwork Reduction Act Notice, see page C-9 of the instructions. Cat. No. 11334P Schedule C (Form 1040) 2009



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Schedules used with Form 1040 (cont..)

- Schedule D (Capital Gains)
 - Used to report gains or losses from Capital gains transaction.
 - May be used to support an income trend.

SCHEDULE D (Form 1040) Department of the Treasury Internal Revenue Service (99)	Capital Gains and Losses ▶ Attach to Form 1040 or Form 1040NR. ▶ See Instructions for Schedule D (Form 1040). ▶ Use Form 8949 to list your transactions for lines 1, 2, 3, 8, 9, and 10.	OMB No. 1545-0074
		2011 Attachment Sequence No. 12
Name(s) shown on return		Your social security number

Part I Short-Term Capital Gains and Losses—Assets Held One Year or Less



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Schedules used with Form 1040 (cont..)

Schedule E

- Used to report Income/Loss from Rentals or Royalties
- Sponsor's often attempt to use line 3 or 4 to meet the income requirements.
- Net Schedule E income from line 31 carries to Form 1040, line 17 and is part of the total income.

Type of Property:				
1 Single Family Residence	3 Vacation/Short-Term Rental	5 Land	7 Self-Rental	
2 Multi-Family Residence	4 Commercial	6 Royalties	8 Other (describe)	
Income:		Properties		
		A	B	C
3a Merchant card and third party payments. For 2011, enter -0-	3a			
b Payments not reported to you on line 3a	3b			
4 Total not including amounts on line 3a that are not income (see instructions)	4			



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Schedules used with Form 1040 (cont..)

Schedule E (cont.)

Discretionary item:

Depreciation expense (line 18) may be used to 'add back' to total income when determining if the sponsor meets the income requirements.

Expenses:							
5	Advertising	5					
6	Auto and travel (see instructions)	6					
7	Cleaning and maintenance	7					
8	Commissions.	8					
9	Insurance	9					
10	Legal and other professional fees	10					
11	Management fees	11					
12	Mortgage interest paid to banks, etc. (see instructions)	12					
13	Other interest.	13					
14	Repairs.	14					
15	Supplies	15					
16	Taxes	16					
17	Utilities.	17					
18	Depreciation expense or depletion	18					
19	Other (list) ▶	19					
20	Total expenses. Add lines 5 through 19	20					



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Schedules used with Form 1040

- Schedule F
 - Used to report Farm income
 - Net Schedule F income from line 34 carries to Form 1040, line 18 and is part of the total income.
 - Sponsor's often attempt to use gross income on line 9 of Schedule F to meet the income requirements.

Discretionary item:

- Depreciation expense (line 14) may be used to 'add back' to total income when determining if the sponsor meets the income requirements.



Schedules used with Form 1040 (cont..)

SCHEDULE F (Form 1040) Department of the Treasury Internal Revenue Service (999)	Profit or Loss From Farming ▶ Attach to Form 1040, Form 1040NR, Form 1041, Form 1065, or Form 1065-B. ▶ See Instructions for Schedule F (Form 1040).	OMB No. 1545-0074 2011 Attachment Sequence No. 14
Name of proprietor		Social security number (SSN)

Part I Farm Income – Cash Method. Complete Parts I and II (Accrual method. Complete Parts II and III, and Part I, line 9.)

1a	Specified sales of livestock and other resale items (see instructions)	1a				
b	Sales of livestock and other resale items not reported on line 1a	1b				
c	Total of lines 1a and 1b (see instructions)	1c				
d	Cost or other basis of livestock or other items reported on line 1c	1d				
e	Subtract line 1d from line 1c				1e	
2a	Specified sales of products you raised (see instructions)				2a	
b	Sales of products you raised not reported on line 2a				2b	
3a	Cooperative distributions (Form(s) 1099-PATR)	3a			3b	Taxable amount
4a	Agricultural program payments (see instructions)	4a			4b	Taxable amount
5a	Commodity Credit Corporation (CCC) loans reported under election				5a	
b	CCC loans forfeited	5b			5c	Taxable amount
6	Crop insurance proceeds and federal crop disaster payments (see instructions)					
a	Amount received in 2011	6a			6b	Taxable amount
c	If election to defer to 2012 is attached, check here ▶ <input type="checkbox"/>				6d	Amount deferred from 2010
7a	Specified custom hire (machine work) income (see instructions)				7a	
b	Custom hire income not reported on line 7a				7b	
8a	Specified other income (see instructions)				8a	
b	Other income not reported on line 8a (see instructions)				8b	
9	Gross income. Add amounts in the right column (lines 1e, 2a, 2b, 3b, 4b, 5a, 5c, 6b, 6d, 7a, 7b, 8a, and 8b). If you use the accrual method, enter the amount from Part III, line 50 (see instructions) ▶				9	



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Schedules used with Form 1040 (cont.)

Discretionary item:

Depreciation expense (line 14) may be used to 'add back' to total income

Part II Farm Expenses—Cash and Accrual Method. Do not include personal or living expenses (see instructions).								
10	Car and truck expenses (see instructions). Also attach Form 4562	10		23	Pension and profit-sharing plans	23		
11	Chemicals	11		24	Rent or lease (see instructions):			
12	Conservation expenses (see instructions)	12		a	Vehicles, machinery, equipment	24a		
13	Custom hire (machine work) .	13		b	Other (land, animals, etc.) . .	24b		
14	Depreciation and section 179 expense (see instructions) .	14		25	Repairs and maintenance . .	25		
15	Employee benefit programs other than on line 23 . . .	15		26	Seeds and plants	26		
				27	Storage and warehousing . .	27		
				28	Supplies	28		
				29	Taxes	29		



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Should I use the schedules in my determination of sufficiency?

- No by themselves – any profits or losses are automatically carried to the front page of the 1040 which are calculated to determine the amount on line 22 – Total income.
- Discretionary decisions may be used for certain items found on supporting schedules



IRS Tax Return Transcript

- An IRS Tax Return Transcript may be submitted instead of a copy of the income tax return.
- Do not mistake a Tax Return Transcript for a Wage and Earnings Statement.



Form W-2 Wage and Tax Statement

- Provides Form W-2, 1099 information submitted to the IRS but does not contain tax return information.

 Internal Revenue Service
United States Department of the Treasury

This Product Contains Sensitive Taxpayer Data

Wage and Income Transcript W-2 **SAMPLE**

Request Date: 05-25-2007

Response Date: 05-25-2007

Employee Number: TW9JB

Tracking Number: 100015364659

SSN Provided: 123-45-6789

Tax Period Requested: December, 2006

Form W-2 Wage and Tax Statement

Employer:

Employer Identification Number (EIN): 130000000

UNITED PARCEL SERVICE INC

55 GLENLAKE PKWY NE

ATLANTA, GA 30328-0000

Employee:

Employee's Social Security Number: 123-45-6789

Ted Taxpayer

123 Main Street

CRAB ORCHARD, WV 25827-0000



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Active Duty Military

- When reviewing the federal income tax return and you notice the military petitioner/sponsor states their current salary is one number and their tax return reflects a significantly lower amount. What should I do?
- Look for the W-2.



22222		Void <input type="checkbox"/>		a Employee's social security number		For Official Use Only ▶ OMB No. 1545-0008			
b Employer identification number (EIN)				1 Wages, tips, other compensation		2 Federal income tax withheld			
c Employer's name, address, and ZIP code				3 Social security wages		4 Social security tax withheld			
				5 Medicare wages and tips		6 Medicare tax withheld			
				7 Social security tips		8 Allocated tips			
d Control number				9 Advance EIC payment		10 Dependent care benefits			
e Employee's first name and initial		Last name		Suffix		11 Nonqualified plans			
f Employee's address and ZIP code				12a See instructions for box 12		12b			
				13 Statutory employee <input type="checkbox"/>		Retirement plan <input type="checkbox"/>		Third-party sick pay <input type="checkbox"/>	
				14 Other		12c		12d	
				15 State Employer's state ID number		16 State wages, tips, etc.		17 State income tax	
						19 Local income tax			
						20 Locality name			

Form W-2 Wage and Tax Statement 2008 Department of the Treasury—Internal Revenue Service
 Copy A For Social Security Administration — Send this entire page with Form W-3 to the Social Security Administration; photocopies are not acceptable. For Privacy Act and Paperwork Reduction Act Notice, see back of Copy D. Cat. No. 10134D

Do Not Cut, Fold, or Staple Forms on This Page — Do Not Cut, Fold, or Staple Forms on This Page

See box 12...is there a letter and a number in this box?



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What does Code Q in box 12 on a W-2 represent?

- **Code Q—Nontaxable combat pay.** If you are a military employer, report any nontaxable combat pay in box 12.
- This can be found in the W-2 and W-3 Instructions at: http://www.irs.gov/pub/irs-pdf/iw2w3_08.pdf



Is there any where else I can look?

- Did the petitioner/sponsor submit a copy of their most recent LES (Leave and Earnings Statement)?
- Notice the top right corner of the statement is Period Covered...this is a monthly statement.
- Now look under entitlements:
 - Base Pay
 - BAS
 - BAH
- This total is how much the active duty military petitioner/sponsor is paid monthly.
- This amount is not reflected on W-2's because BAH & BAS are generally tax-exempt.



MILITARY LES STATEMENT

DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT

Type	(b)(6)	Amount	Type	Amount	Type	Amount	+Amt Fed	
A	BASE PAY	2247.30	FEDERAL TAXES	88.48	DISCRETIONARY ALT	1021.00	+Tot Ent	4266.78
B	BAS	204.43	FICA-SOC SECURITY	139.33	TRICARE DENTAL	11.58	+Tot Ded	1570.22
C	BAH	1724.00	FICA-MEDICARE	32.09			+Tot Alt	1532.88
D			SOGL	27.00			+Net Amt	1163.50
E			AFRH	.50			+Cr Fed	.00
F			FAMILY SOGL	5.00			+EOM Pay	1163.50
G			TSP	112.37				
H			MID-MONTH-PAY	1184.47				
I								
J								
K								
L								
M								
N								
O								
TOTAL		4266.73	1370.22	1532.88				

DIEMS 080211 RETPLAN CHOICE

LEAVE	BF Bal	Emd	Used	Cr Bal	ETS Bal	Lv Lost	Lv Paid	Use/Loss	FED TAXES	Wage Period	Wage YTD	M/S	Ex	Add Tax	Tax YTD
	25.5	35.0	11	39.5	85.5	.0	.0	.0		2134.93	13682.36	M	02	.00	253.01
FICA TAXES	Wage Period	Soc Wage YTD	Soc Tax YTD	Med Wage YTD	Med Tax YTD	STATE TAXES	St	Wage Period	Wage YTD	M/S	Ex	Tax YTD			
	2247.30	14497.50	892.94	14889.50	238.83		AK	.00	.00	N	.00	.00			
PAY DATA	BAQ Type	BAQ Depn	VHA Zip	Rent Amt	Share	Stat	JFTR	Depns	2D JFTR	BAS Type	Charity YTD	TPC	PAC/ON		
	WDEP	SPOUSE	09641	.00	1	R		0			.00				
THRIFT SAVINGS PLAN (TSP)	Base Pay Rate	Base Pay Current	Spec Pay Rate	Spec Pay Current	Inc Pay Current	Inc Pay Current	Bonus Pay Rate	Bonus Pay Current							
	.05	.00	.00	.00	.00	.00	.00	.00							
	TSP YTD Deductions			Deferred		Exempt									
	720.14			720.14		.00									

REMARKS: YTD ENTITLE 27758.11 YTD DEDUCT 2557.92

IF TSP ELECTION AMT EXCEEDS NET AMT DUE, TSP WILL NOT BE DEDUCTED.
 -LEAVE CARRYOVER INCREASED TO 75 DAYS FOR FY05. NO ACTION REQUIRED BY MEMBERS. DFAS WILL BEGIN RESTORING AFTER 1 OCT 05.
 -MYPAY HAS ALLOWED MBR'S TO ELECT A HARD-COPY LES VIA US MAIL. IF POLICY IS TO PROVIDE AN ELECTRONIC LES, EFF 1 OCT (SEP LES). AF WILL NO LONGER PRINT LES STATEMENTS IF AVAILABLE ON MYPAY. THANK YOU FOR YOUR SUPPORT.
 IF YOUR SPOUSE WANTS INFO ABOUT THE MILITARY LIFESTYLE WE INVITE HIM/HER TO JOIN US FOR THE NEXT HEART LINK SPOUSES ORIENTATION. LUNCH AND CHILD CARE ARE PROVIDED. CALL YOUR

BASE AIRMAN & FAMILY READINESS CTR FOR DETAILS.
 IF YOU GAMBLE WITH SAFETY...YOU BET YOUR LIFE.
 -ELECTIONS ARE COMING! UPDATE YOUR ADDRESS TO GET AN ABSENTEE BALLOT. REQUEST YOUR BALLOT FOR THE PRESIDENTIAL AND STATE ELECTIONS. SEE YOUR VOTING ASST. OFFICER OR WWW.FVAP.GOV.
 TSP 080701(163)
 RATE CHG SOU 080701(163)
 CHANGE GRADE 080701(164)
 BAH BASED ON WDEP, ZIP 09641

(b)(6)

WWW.DFAS.MIL



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Reviewing Form I-864 (cont..)

Part 7

Use of assets to supplement income:

- If a sponsor cannot meet the Poverty Guideline requirement based upon total household income, he or she may show evidence of assets owned by the sponsor, and/or members of the sponsor's household, that are available to support the sponsored immigrant(s) and can be readily converted into cash within 1 year.



Reviewing Form I-864 (cont..)

Part 7. Use of assets to supplement income. (Optional)

If your income, or the total income for you and your household, from line 24c exceeds the Federal Poverty Guidelines for your household size, YOU ARE NOT REQUIRED to complete this Part. Skip to Part 8.

26. Your assets (Optional)

- a. Enter the balance of all savings and checking accounts. \$ _____
- b. Enter the net cash value of real-estate holdings. (Net means current assessed value minus mortgage debt.) \$ _____
- c. Enter the net cash value of all stocks, bonds, certificates of deposit, and any other assets not already included in lines 26 (a) or (b). \$ _____
- d. Add together lines 26 a, b and c and enter the number here. TOTAL: \$ _____

27. Your household member's assets from Form I-864A. (Optional)

Assets from Form I-864A, line 12d for

\$ _____

(Name of Relative)



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Reviewing Form I-864 (cont..)

28. Assets of the principal sponsored immigrant. *(Optional)*

The principal sponsored immigrant is the person listed in line 2.

- a. Enter the balance of the sponsored immigrant's savings and checking accounts. \$ _____
- b. Enter the net cash value of all the sponsored immigrant's real estate holdings. (Net means investment value minus mortgage debt.) \$ _____
- c. Enter the current cash value of the sponsored immigrant's stocks, bonds, certificates of deposit, and other assets not included on line a or b. \$ _____
- d. Add together lines 28a, b, and c, and enter the number here. \$ _____

29. Total value of assets.

Add together lines 26d, 27 and 28d and enter the number here.

TOTAL: \$ _____



Reviewing Form I-864 (cont..)

Evidence of assets:

- Evidence of the sponsor's assets should be submitted along with the Form I-864.
- Evidence should establish the location, ownership, and value of each listed asset, including any liens or liabilities for each listed asset.



Evidence of Assets (cont..)

Evidence of assets:

- To qualify as “significant assets” the combined cash value of all the assets (the total value of the assets less any offsetting liabilities).
- You may not include the net value an automobile unless you show that you have more than one automobile, and at least one automobile is not included as an asset.



Reviewing Form I-864 (cont..)

Evidence of assets:

- Evidence of assets includes, but is not limited to:
 - Bank statements covering the last 12 months, or a statement from an officer of the bank or other financial institution.
 - Evidence of ownership and value of stocks, bonds, and certificates of deposit, and dates acquired;
 - Evidence of ownership and value of other personal property and dates
 - acquired; and
 - Evidence of ownership and value of any real estate and dates acquired.



Reviewing Form I-864 (cont..)

Amount of assets required:

- In order to qualify using assets, the total net value of all assets must generally equal at least five times the difference between the sponsor's total household income and the minimum income requirement for the current year.
- If you are a U.S. citizen and you are sponsoring your spouse or minor child, the total value of your assets must only be equal to at least three times the difference.



Income Requirements (cont..)

Amount of assets required:

- If the intending immigrant is an alien orphan who will be adopted in the United States after the alien orphan acquires permanent residence, and who will, as a result, acquire citizenship under section 320 of the Act, the total value of your assets need only equal the difference.



Example 1:

USC sponsor of a parent with a household size of 4:

125 % of 2012 Poverty Guidelines	\$28,812	
Sponsor's income	<u>\$22,500</u>	
Difference	\$ 6,312	
Multiply by 5		<u>X</u>
<u>5</u>		
Minimum Required Net Value of Assets	<u>\$31,560</u>	



Example 2:

USC sponsor of a spouse with a household size of 4:

125 % of 2012 Poverty Guidelines	\$28,812
Sponsor's income	<u>\$22,500</u>
Difference	\$ 6,312
Multiply by 3	<u>x 3</u>
Minimum Required Net Value of Assets	<u>\$18,936</u>



Example 3:

The intending immigrant is an orphan who will be adopted in the U.S. ... (household size of 4):

125 % of 2012 Poverty Guidelines	\$28,812
Sponsor's income	<u>\$22,500</u>
Minimum Required Net Value of Assets	\$
6,312	



Good sites for Fair Market Value of vehicles

- <http://www.kbb.com/>
- <http://www.edmunds.com/used-cars/>



Common Problems with Assets

- History of Bank statements is less than 12 months
- Letter from bank is generic and does not reference the average annual balance
- Huge balance in account with the amount being:
 - A recent transaction
 - From a line of credit



Common Problems with Assets

(cont..)

- Sometimes the assets are submitted to us from foreign accounts.
- Try to use a currency converter to interpret the value of the accounts.
- Link to currency converter:
 - <http://www.xe.com/ucc/>



More asset concerns

- Real Estate Property with no evidence of mortgage history, current balance, or evidence the property is not financed.
- Appraisal is not from a licensed appraiser or no current property tax assessment attached.



More Asset Concerns (cont..)

- Personal Property can encompass more than just real estate, stocks, bonds, cds, cash, and cars – Jewelry can be used as an asset. When taking these items into consideration you need to do a little research and use a little common sense.
 - Is this personal property liquidable?



More Asset Concerns (cont..)

Questions to ask concerning the asset:

- What is the value of this personal property?
- Can it be appraised?
- How long is the appraisal good for?
- What is the current market value for the personal property?
- When and how did they acquire the property?



More Asset Concerns (cont..)

- Do they own the personal property?

Example: Sponsor's income is below the current federal Poverty Guideline. Sponsor has submitted 2 appraisals for jewelry. They need to make up the difference between income and Poverty Guideline by \$15,000. The first appraisal shows a diamond ring appraised at \$10,000 and the second appraisal show diamond earrings appraised at \$7,500.



More Asset Concerns (cont..)

- What should we look at when considering the jewelry as assets?
 - When were they purchased?
 - What was the purchase price?
 - How were they purchased?
 - When were they appraised?
 - What is the current market value?
 - Does the sponsor owe money on the jewelry?



More Asset Concerns (cont..)

- Note: Jewelry appraisals and lab certificates are two important types of reports about your gemstones and jewelry, but they do not serve the same purpose.
- A jewelry appraisal can be done on any item of jewelry, no matter what it is composed of. Market values change, so most professionals recommend you have fine jewelry appraised every two years.



More Asset Concerns (cont..)

- A lab certificate or grading report describes an unmounted gemstone. Reports differ for diamonds and colored gems, but documentation includes specifics about carat weight and dimensions, color and clarity grades, and items relating to the gemstone's cut and shape.



Termination of Sponsor's Obligation and Enforcement

- The obligations created under Form I-864 and I-864A terminate when the sponsored alien:
 - Becomes naturalized;
 - Is credited with at least 40 quarters of employment in the Social Security system;
 - Loses or abandons his or her lawful permanent resident status; or
 - Dies.



Termination of Sponsor's Obligation and Enforcement (cont..)

- Divorce will not terminate the legal obligation made in the Affidavit of Support.



Where do I find this information?

- Before you ask the question, have you looked in the following places:
 - The Adjudicator's Field Manual (AFM)
 - The INA (Section 213A)
 - The 8 CFR § 213a
 - Policy memos
 - Training handouts
 - The application instructions
 - WWW.USCIS.Gov
 - WWW.IRS.Gov



Questions?



U.S. Citizenship
and Immigration
Services

National Benefits Center

July 2012

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U.S. Citizenship and Immigration Services



December 16, 2010

PM-602-0017

Policy Memorandum

SUBJECT: Approval of Petitions and Applications after the Death of the Qualifying Relative under New Section 204(l) of the Immigration and Nationality Act

Revisions to *Adjudicator's Field Manual* (AFM): New Chapter 10.21 and an Amendment to Chapter 21.2(h)(1)(C) (AFM Update AD-10-51)

Purpose

This Policy Memorandum (PM) ensures that USCIS uniformly and consistently adjudicates petitions and applications in light of section 204(l) and 213A(f)(5) of the Immigration and Nationality Act ("the Act"), 8 U.S.C. §§ 1154(l) and 1183a(f)(5).

Scope

Unless specifically exempted herein, this PM applies to and is binding on all USCIS employees.

Authority

Sections 204(l) and 213A(f)(5) of the Act, 8 U.S.C. §§ 1154(l) and 1183a(f)(5), as amended by § 568(d) and (e) of the DHS Appropriations Act, 2010, Public Law 111-83 ("Public Law 111-83"), 123 Stat. 2142, 2187-88 (2009).

Background

For many years, USCIS had taken the position that the law did not permit the beneficiary of a visa petition to obtain approval of the petition if the petitioner died while the petition remained pending. *See Matter of Sano*, 19 I&N Dec. 299 (BIA 1985); *Matter of Varela*, 13 I&N Dec. 453 (BIA 1970).

New section 204(l) of the Act changes this governing law with respect to an alien who is seeking an immigration benefit through a deceased "qualifying relative." Section 204(l) permits the approval of a visa petition or refugee/asylee relative petition, as well as any adjustment application and related application, if the alien seeking the benefit:

- Resided in the United States when the qualifying relative died;
- Continues to reside in the United States on the date of the decision on the pending petition or application; and
- Is at least one of the following:
 - The beneficiary of a pending or approved immediate relative visa petition;

- The beneficiary of a pending or approved family-based visa petition, including both the principal beneficiary and any derivative beneficiaries;
- Any derivative beneficiary of a pending or approved employment-based visa petition;
- The beneficiary of a pending or approved Form I-730, Refugee/Asylee Relative Petition;
- An alien admitted as a derivative “T” or “U” nonimmigrant; or
- A derivative asylee under section 208(b)(3) of the Act.

Section 568(d) of Public Law 111-83 does not expressly define the “qualifying relative.” From the list of aliens to whom the new section 204(l) applies, however, USCIS infers that “qualifying relative” means an individual who, immediately before death, was:

- The petitioner in a family-based immigrant visa petition under section 201(b)(2)(A)(i) or 203(a) of the Act;
- The principal beneficiary in a family-based visa petition case under section 201(b)(2)(A)(i) or 203(a) of the Act;
- The principal beneficiary in an employment-based visa petition case under section 203(b) of the Act;
- The petitioner in a refugee/asylee relative petition under section 207 or 208 of the Act;
- The principal alien admitted as a T or U nonimmigrant; or
- The principal asylee, who was granted asylum under 208 of the Act.

Section 568(e) of Public Law 111-83 provides a conforming amendment to INA section 213A(f)(5)(B) relating to affidavits of support. INA section 212(a)(4)(C) provides that, to avoid public charge inadmissibility, most immediate relatives and family-based immigrants, and some employment-based immigrants, must have filed an affidavit of support on their behalf that meets the requirements of INA section 213A. If, after the death of a qualifying relative, a visa petition is approved or not revoked under new INA section 204(l), then another individual who qualifies as a “substitute sponsor” must submit a Form I-864, Affidavit of Support under section 213A of the Act. If the alien is not required under sections 212(a)(4)(C) and 213A of the Act and 8 C.F.R. § 213a.2(a)(2)(ii) to have a legally binding affidavit of support, then there is no need for a substitute sponsor to submit a Form I-864.

Policy

USCIS officers will follow section 204(l) and section 213A(f)(5) of the Act, as amended by sections 568(d) and (e) of Public Law 111-83, and the amendments to the Adjudicator’s Field Manual (*AFM*) made by this PM, in adjudicating on or after October 28, 2009, any petition or application to which section 204(l) and section 213A(1)(5) apply.

Section 568(d) and (e) of Public Law 111-83 became effective on October 28, 2009 when the President signed Public Law 111-83. This PM applies to any case adjudicated on or after October 28, 2009 even if the case was filed before October 28, 2009.

For a case denied before October 28, 2009 USCIS policy is that an alien may file, with the proper filing fee, an untimely motion to reopen a petition, adjustment application, or waiver application, if new section 204(l) would now allow approval of a still-pending petition or application. See *AFM* chapter 20.5(c)(8), as added by this PM, for complete guidance on this issue.

Implementation

The AFM is amended as follows.

1. New Chapter 10.21 is added to the *AFM*, to read as follows.

10.21 Approval of pending immigrant visa petitions, T or U extension applications, asylee/refugee relative petitions, or applications after death of the qualifying relative.

(a) General. Except as specified in this chapter, if the approval of an immigrant visa petition, refugee/asylee relative petition or application for immigration benefits requires the existence of a family relationship between the alien and another individual, the death of the petitioner or other individual while the case is pending requires the denial of the petition or application.

(b) Widow(er)s of Citizens. Paragraph (a) of this chapter does not apply to a Form I-130 filed by a citizen on behalf of his or her spouse. Upon the death of the citizen petitioner, Form I-130 is converted to a widow(er)'s Form I-360. In light of the amendment to section 201(b)(2)(A)(i) of the Act by section 568(c) of Public Law 111-83, this conversion takes place even if the citizen and alien were married for less than 2 years when the citizen died.

In the case of a K-1 nonimmigrant who marries the petitioner within 90 days of admission, the K-1 nonimmigrant (and any K-2 children who are otherwise eligible) may obtain adjustment of status without the need for Form I-360, just as they would have been eligible for adjustment without Form I-130, if the petitioner had not died.

If an alien was admitted as a K-3 or K-4 nonimmigrant, the Form I-130 filed for the K-3 is converted to a Form I-360 upon the citizen petitioner's death. The K-4 can then "accompany or follow to join" the K-3 based on that Form I-360.

A widow(er)'s eligibility for adjustment ends if the widow(er) remarries before obtaining LPR status.

A USCIS officer may encounter a case in which a petition or application was approved before October 28, 2009, despite the death of the citizen spouse who filed the petition. The approval may have occurred because USCIS was unaware of the death, or because the alien persuaded USCIS that the death did not end eligibility. In some circuits, but not all, there were precedents from the relevant courts of appeals supporting approval of an immediate relative spousal Form I-130 after the petitioner's death. In light of those precedents, and given the intent of section 568(c) of Public Law 111-83, USCIS will deem the approval of the petition and the grant of adjustment proper, and will not seek to rescind a grant of adjustment, if the sole basis for doing so is the death of the citizen spouse and the resulting invalidity of the Form I-864 filed by the citizen spouse.

(c) Effect of Section 204(l) of the Act. Paragraph (a) of this chapter does not apply, and a petition or application may be approved despite the death of the qualifying relative, if section 204(l) of the Act, as amended by section 568(d) of the FY2010 DHS Appropriations Act, Public Law 111-83, applies to the case. See paragraph (c)(6) of this chapter concerning the authority to deny these cases on discretionary grounds.

Section 568(d)(2) of Public Law 111-83 specifies that new section 204(l) does not "limit or waive" any eligibility requirements or bars to approval of a petition or application other than the lack of a qualifying relative due to the qualifying relative's death. Thus, no other eligibility requirements are changed by the enactment of section 204(l).

(1) When Section 204(l) Applies. Section 204(l) of the Act applies to any immigrant visa petition, refugee/asylee relative petition, or application adjudicated on or after October 28, 2009, even if the petition or application was filed before that date. Section 204(l) allows the approval of a pending petition or application, despite the death of the qualifying relative, if the alien seeking the benefit of section 204(l):

- Resided in the United States when the qualifying relative died;
- Continues to reside in the United States on the date of the decision on the pending petition or application; and;
- Is at least one of the following:
 - The beneficiary of a pending or approved immediate relative visa petition;
 - The beneficiary of a pending or approved family-based visa petition, including both the principal beneficiary and any derivative beneficiaries;
 - Any *derivative* beneficiary of a pending or approved employment-based visa petition;
 - The beneficiary of a pending or approved Form I-730, Refugee/Asylee Relative Petition;
 - An alien admitted as a derivative "T" or "U" nonimmigrant; or
 - A derivative asylee under section 208(b)(3) of the Act.

The new section 204(l) does not expressly define the “qualifying relative.” From the list of aliens to whom new section 204(l) applies, USCIS infers that “qualifying relative” means an individual who, immediately before death was:

- The petitioner in an immediate relative or family-based immigrant visa petition under section 201(b)(2)(A)(i) or 203(a) of the Act;
- The principal beneficiary in a widow(er)’s immediate relative or a family-based visa petition case under section 201(b)(2)(A)(i) or 203(a) of the Act;
- The *principal* beneficiary in an employment-based visa petition case under section 203(b) of the Act;
- The petitioner in a refugee/asylee relative petition under section 207 or 208 of the Act;
- The principal alien admitted as a T or U nonimmigrant;
- The principal asylee, who was granted asylum under 208 of the Act.

Section 204(l) applies to a petition or application adjudicated on or after October 28, 2009, even if the qualifying relative died before October 28, 2009. If a petition or application was denied on or after October 28, 2009, without considering the effect of section 204(l), and section 204(l) could have permitted approval, USCIS must, on its own motion, reopen the case for a new decision in light of section 204(l). See chapter 10.21(c)(8) of this AFM for guidance on cases denied before October 28, 2009.

Section 101(a)(33) of the Act governs the determination whether an alien “resided” in the United States when the qualifying relative died, and whether the alien continues to reside in the United States. A person’s “residence” is his or her “principal, actual dwelling place in fact, without regard to intent.” If the alien’s “residence” was in the United States at the required times, the alien “resided” here. The statute does not bar an alien who was actually abroad when the qualifying alien died from proving that the alien still resides in the United States. Also, section 204(l) of the Act does not require the alien to show that he or she was, or is, residing here lawfully. Execution of a removal order, however, terminates an alien’s residence in the United States.

Sections 203(d), 207(c)(2)(A), and 208(b)(3)(A) permit the spouse or child of a principal alien to accompany or follow to join a principal alien. If any *one* beneficiary of a covered petition meets the residence requirements of section 204(l) of the Act, then the petition may be approved, despite the death of the qualifying relative, and *all* the beneficiaries may immigrate to the same extent that would have been permitted if the qualifying relative had not died. But it is not necessary for each beneficiary to meet the residence requirements in order to have the benefit of section 204(l).

(2) Widow(er)s of Citizens. As stated in paragraph (b) of this chapter, section 204(l) does not apply to a Form I-130 filed by a now-deceased citizen on behalf of his or her spouse. Because of the automatic conversion of the Form I-130 to a Form I-360, there

is no longer any Form I-130 to which section 204(l) can apply. Please refer to Chapter 10.21(c)(5) concerning the effect of section 204(l) on the widow(er)'s ability to seek a waiver of inadmissibility, after the death of the citizen spouse.

(3) Action in Pending Petition Cases. Provided the alien was residing in the United States when the qualifying relative died, and still resides in the United States, an officer now has authority to approve any immigrant visa petition or refugee/asylee relative petition that was pending when the qualifying relative died if the petition is covered by section 204(l) of the Act, *provided* the petition was approvable when filed and still is approvable, apart from the death of the qualifying relative. Therefore, assuming all other requirements for approval of a petition are met, the death of the qualifying relative no longer requires denial of a petition in a case involving an alien who meets the requirements of new INA section 204(l).

Section 568(d)(2) of Public Law 111-83 specifies that new section 204(l) does not “limit or waive” any eligibility requirements or bars to approval of a petition or application other than the lack of a qualifying relative due to the qualifying relative’s death. Thus, no other eligibility requirements are changed by the enactment of section 204(l). For example, a petition to which section 204(l) applies may still be subject to denial under section 204(c) of the Act (relating to prior marriage fraud) or any other statutory bar to approval. Note also that paragraph (c)(6) of this chapter provides guidance concerning the authority to deny a case under section 204(l) as a matter of discretion.

An immigrant visa petitioner may withdraw a pending petition at any time before the admission or adjustment of the principal beneficiary. 8 C.F.R. § 103.2(b)(6). USCIS cannot adjudicate a petition that has been withdrawn. See *Matter of Cintron*, 16 I&N Dec. 9 (BIA 1976). Pursuant to section 204(l) of the Act, whether an employment-based petitioner is able to withdraw the petition and possibly affect the ability of principal beneficiary’s alien widow(e) or children to immigrate on the employment-based visa, depends on when that petitioner is attempting to withdraw the petition. If the principal beneficiary is alive when the employer petitioner requests withdrawal of the petition, then USCIS will honor that request. On the other hand, if the withdrawal is dated after the death of the principal beneficiary, then USCIS will not give effect to the request for withdrawal since the employment-based petitioner no longer has any legal interest in the immigration of the principal beneficiary’s widow(er) or children.

The situation of a family-based petitioner is different. A family-based petitioner must generally assume the affidavit of support requirements for the principal beneficiary’s spouse and children. Thus, unlike employment-based petitioners, the immigration of the derivatives does have an effect on the family-based petitioner. Under section 204(l) of the Act, the petitioner may certainly continue to seek approval of the petition, after the death of the principal beneficiary, if at least one derivative was residing in the United States when the principal died, and continues to do so. USCIS will presume that the

family-based petitioner wants the case to continue to adjudication. But USCIS does not interpret section 204(l) of the Act as requiring the petitioner to do so. The death of the principal beneficiary does not alter the family-based immigrant visa petitioner's right to withdraw a petition. If the petitioner chooses to withdraw the petition, USCIS will honor that decision, and refrain from adjudicating the petition. See *Matter of Cintron*.

Section 204(l) of the Act requires that a T or U nonimmigrant surviving relative must have been admitted as a T or U nonimmigrant derivative at the time of death of the qualifying relative T or U nonimmigrant principal. Therefore, USCIS may not approve derivative status for a surviving relative whose qualifying relative died prior to approval of the derivative T application (I-914A) or derivative U petition (I-918A). However, USCIS officers should thoroughly review the case to determine whether the surviving relative may qualify as a principal T or U nonimmigrant. Also, if the surviving relative already had status as a T or U nonimmigrant derivative at the time of death of the qualifying relative, the surviving relative may apply for adjustment of status, as specified in paragraph (c)(4) of this chapter, notwithstanding the death of the principal, once the surviving relative has the requisite continuous physical presence in the U.S. If the principal dies prior to accrual of the requisite physical presence, the surviving relative may file a Form I-539 to apply for an extension of his or her T or U nonimmigrant status, notwithstanding the death of the principal, if necessary, until the surviving relative has accrued sufficient physical presence to apply for adjustment of status.

(4) Action in Pending Adjustment Cases. (i) General. An officer also has authority, now, to approve an adjustment of status application that was pending when the qualifying relative died, if the related visa petition is approved under section 204(l), or if a pre-death approval is reinstated. In the adjustment of status context, the alien must have been eligible to apply for adjustment of status at the time that application was filed. See Chapter 10.21(c)(5) for the impact of section 204(l) on waiver and other related applications.

Section 568(d)(2) of Public Law 111-83 specifies that new section 204(l) does not "limit or waive" any eligibility requirements or bars to approval of a petition or application other than the lack of a qualifying relative due to the qualifying relative's death. Thus, no other adjustment eligibility requirements are changed by the enactment of section 204(l).

For example, the death of the qualifying relative does not relieve the alien who is seeking adjustment under section 245(a) of the Act of the need to qualify for adjustment of status under section 245(a) of the Act. That is, unless the alien qualifies under section 245(i) of the Act, the alien must still establish a lawful inspection and admission or parole and is otherwise eligible for adjustment. An alien may not apply for adjustment before an immigrant visa is "immediately available." Section 245(c) of the Act may make the alien ineligible, if section 245(i) or (k) of the Act does not apply to the

alien. However, if there was a properly filed adjustment application pending and the beneficiary or the derivative beneficiary was eligible to adjust, approval or reinstatement of approval of a visa petition under section 204(l) will preserve any eligibility for adjustment that existed immediately before the qualifying relative died. For example, if an immediate relative petition is approved or a pre-death approval is reinstated under section 204(l) of the Act, the beneficiary remains eligible for the immediate relative exemptions in section 245(c), assuming the beneficiary is not barred from adjustment under sections 245(d) or 245(f) of the Act.

The death of a principal *refugee* has not, historically, affected the eligibility of a derivative refugee for adjustment under section 209(a) of the Act. See Memorandum from William R. Yates to Field Offices, “Procedural Guidance on Admission and Adjustment of Status for Refugees” at p. 9 (May 15, 2000). Thus, while section 204(l) may benefit the beneficiary of a Form I-730, if the principal dies before the derivative is admitted, reliance on section 204(l) is not necessary for a derivative who has already been admitted. By contrast, section 204(l) can benefit an alien who seeks adjustment based on a derivative asylum grant, under section 209 of the Act, as a derivative T nonimmigrant under section 245(l) of the Act, or as a derivative U nonimmigrant under section 245(m) of the Act. Any one of these aliens may still be eligible for adjustment, in light of section 204(l) of the Act, despite the death of a qualifying relative. But the alien must still establish that he or she is eligible for adjustment, apart from the qualifying relative’s death, under the governing statute.¹

Similarly, the applicant must be admissible, or must obtain any available waiver of inadmissibility. Section 204(l) of the Act, by its terms, does not automatically waive any ground of inadmissibility that may apply to an adjustment applicant. See Public Law 111-83, § 568(d)(2). Thus, an adjustment applicant whose case is governed by section 204(l) of the Act may need to apply for a waiver or other relief from inadmissibility. See paragraph (c)(5) of this chapter concerning the effect of section 204(l) of the Act on applications for waivers or other relief from inadmissibility.

Because section 204(l) of the Act does not waive the standard eligibility requirements for applying for adjustment, an alien who did not already have an adjustment application pending when the qualifying relative died may not be able to seek adjustment in every case in which a pending petition was approved, or an approved petition was reinstated, under section 204(l) of the Act. An alien whose petition has been approved or reinstated under new section 204(l) of the Act, but who is not eligible to adjust status, would not be precluded from applying for an immigrant visa

¹ In the past, USCIS has been willing to grant asylum as a principal to a derivative asylee who no longer qualified as a derivative. This action would preserve the derivative’s ability to adjust even if the derivative was no longer the spouse or child of a principal. Section 204(l) of the Act makes this step unnecessary, if the reason for the loss of derivative status is the death of the principal.

at a consular post abroad.² The approval of a visa petition under section 204(l) of the Act does not give an alien who is not eligible for adjustment of status, and who is not in some other lawful immigration status, a right to remain in the United States while awaiting the availability of an immigrant visa.

The death of the qualifying relative also does not relieve the alien of the need to have a valid and enforceable Form I-864, Affidavit of Support, if required by sections 212(a)(4)(C) and 213A of the Act and 8 C.F.R. § 213a.2. If the alien is required to have a Form I-864, and the visa petition is approved under section 204(l), a substitute sponsor will need to submit a Form I-864. Pub. L. 111-83, § 568(e), 123 Stat. at 2187. A substitute sponsor is needed *even if* the deceased petitioner had filed a Form I-864. A Form I-864 is not a “petition” nor is it an application or “related application.” The Form I-864 is a contract between the sponsor and the Government, submitted as evidence in support of a visa or adjustment application. DHS regulations clearly provide, moreover, that a sponsor’s obligations under a Form I-864 do not take force until the alien actually immigrates. 8 C.F.R. § 213a.2(e)(1). It is the grant of LPR status that is the Government’s “acceptance” of the sponsor’s offer to be bound by the Form I-864. The sponsor’s obligations terminate with the sponsor’s death. 8 C.F.R. § 213a.2(e)(2)(ii).

Also, the affidavit of support has an important role, beyond establishing that the sponsored alien is not inadmissible on public charge grounds. The sponsor’s income may be deemed to the sponsored alien in determining the sponsored alien’s eligibility for means-tested public benefits. 8 U.S.C. §§ 1631 and 1632. The sponsor is also responsible for reimbursing an agency for the costs of any means-tested public benefit provided to the sponsored alien. Section 213A(b) of the Act.

Accepting as still valid a Form I-864 from someone whom USCIS knows to be dead would work against each of these vital aspects of the affidavit of support requirement. Thus, there is no longer a valid and enforceable Form I-864 if the sponsor dies while the petition, visa application, or adjustment application is pending.³

(ii) Adjustment not subject to conditions under section 216 of the Act. An alien who acquires LPR status based on a marriage entered into less than 24 months before the alien acquires LPR status obtains LPR status on a conditional basis under section

² The alien must have been continuing to reside in the United States in order for the petition to have been approved. Once it has been approved, however, the alien’s departure to obtain a visa would not change the fact that the alien met the residence requirements when the officer adjudicated the petition.

³ A substitute sponsor’s Form I-864 is not needed if the alien is not required to have a Form I-864 at all. For example, an alien may already have, or be entitled to be credited with, sufficient quarters of coverage under the Social Security Act to be exempt from the Form I-864 requirement. *See* 8 C.F.R. § 213a.2(a)(2)(ii)(C). Also, as with any Form I-864, the substitute sponsor may rely on the financial resources of the sponsored alien to meet the Form I-864 requirements. *See id.* § 213a.1 (including sponsored alien’s lawful income in the United States in “household income”) and § 213a.2(a)(iii)(B) (including sponsored alien’s assets).

216 of the Act. Generally, the alien must then petition, two years later, for removal of the conditions. If the qualifying marriage has already ended by death, however, a condition for removal of the conditions already exists. For this reason, if a Form I-130 and Form I-485 are approved under section 204(l) of the Act, the alien's LPR status will *not* be subject to the conditions under section 216 of the Act. The alien, therefore, will not need to file Form I-751.

(iii) Removal of conditions under section 216A of the Act. An alien who acquires LPR status based on a qualifying investment under section 203(b)(5) of the Act does so on a conditional basis under section 216A of the Act. If the derivative beneficiary of a Form I-526 obtains approval of the Form I-526 and Form I-485 under section 204(l) of the Act, the alien remains subject to the conditions imposed by section 216A of the Act. Unlike the death of a petitioning spouse under section 216 of the Act, the death of the Form I-526 petitioner does not, by itself, provide a basis for removing the section 216A conditions. Rather, under 8 C.F.R. § 216.6(a)(6), the derivative beneficiaries must still file, two years later, a Form I-829 and show that the requirements for removal of the conditions have been met.

(5) Waivers and Other Related Applications. The text of new section 204(l) provides that the new approval authority applies not only to the visa petition, but to an adjustment application and “any related applications.” Section 568(d)(2) of the FY2010 DHS Appropriations Act specifies that section 568(d)(1) does not waive grounds of inadmissibility. But the provision does remove “ineligibility based solely on the lack of a qualifying family relationship” as a basis for denying relief. USCIS has determined, therefore, that section 204(l) *does* give USCIS the discretion to grant a waiver or other form of relief from inadmissibility to an alien described in section 204(l), even if the qualifying relationship that would have supported the waiver has ended through death.

Note that it is *not* necessary for the waiver or other relief application to have been pending when the qualifying relative died. Section 204(l) of the Act permits the approval of a waiver or other relief application despite the death of a qualifying relative if:

- a petition or application specified in paragraph (c)(1) of this chapter was pending or approved when the qualifying relative died;
- the alien was residing in the United States when the qualifying relative died;; and
- the alien still resides in the United States.

If a pending petition or application to which section 204(l) applies is denied, despite section 204(l) of the Act, then the alien may not obtain approval of a waiver or other relief under section 204(l).

Some waivers require a showing of extreme hardship to a qualifying relative, who must be either a citizen or a permanent resident. Since the legislation intends to have

the new section 204(l) of the Act extend not only to the approval of the pending petition, but also to any related applications, the fact that the qualifying relative has died will be noted in the decision and deemed to be the functional equivalent of a finding of extreme hardship. Note that 204(l) applies in this context only when, the hardship being claimed by the surviving beneficiary, would have been on account of claimed extreme hardship that would have been suffered by the qualifying relative were he or she still alive. Additionally, it should be noted that the finding of extreme hardship merely *permits*, and never *compels* a favorable exercise of discretion. See *Matter of Mendez-Morales*, 21 I&N Dec. 296 (BIA 1996). That is, as with any other waiver case, a waiver application decided in light of section 204(l) requires the weighing of all favorable factors against any adverse discretionary factors. Extreme hardship is just one positive factor to be weighed. See *id.* The inadmissibility ground sought to be waived is, itself, an adverse factor. See *INS v. Yang*, 519 U.S. 26 (1996). For example, inadmissibility based on a conviction for a violent or dangerous crime requires proof of exceptional or extremely unusual hardship, or some other extraordinary circumstance, in order for a waiver application to be approved. 8 C.F.R. § 212.7(d).

The preceding paragraph assumes that the qualifying relative was already a citizen or permanent resident at the time of death. If the qualifying relative was not already a citizen or permanent resident, then the qualifying relative's death does not make the alien eligible for a waiver that would not have been available if the qualifying relative had not died. If the qualifying relative was not a citizen or permanent resident, then the alien may not be able to obtain a waiver of inadmissibility unless there is yet another individual who has the requisite status and family relationship to meet the requirements of the waiver provision, or the waiver provision does not require a family relationship and/or extreme hardship.

As noted in Chapter 10.21(c)(2), section 204(l) does not apply to Form I-130 that was filed by a now-deceased citizen for his or her spouse, who is now the widow(er) of a citizen. Once the citizen has died, the widow(er) becomes the visa petitioner. USCIS has determined, however, that if the widow(er) was the beneficiary of a pending or approved Form I-130 when the original petitioner died, and the widow(er) meets the residence requirements in section 204(l), then section 204(l) preserves the widow(er)'s ability to have a waiver application approved as if the now deceased citizen had not died. As with any other waiver application that is covered by section 204(l), the fact that the citizen petitioner has died will be noted in the decision and deemed to be the functional equivalent of a finding of extreme hardship. But the finding of extreme hardship merely *permits*, and never *compels* a favorable exercise of discretion. See *Matter of Mendez-Morales*, *supra*. The widow(er) must still establish that he or she merits a favorable exercise of discretion.

(6) Discretionary Denial under Section 204(l). Section 204(l) gives USCIS discretion to deny a petition or application that may now be approved despite the qualifying

relative's death, if USCIS finds, as a matter of discretion, "that approval would not be in the public interest." Section 204(l)(1) of the Act, 123 Stat. at 2187. This exercise of discretion, moreover, is "unreviewable." *Id.*

USCIS officers will not, routinely, use this discretionary authority to deny a visa petition that may now be approved, despite the death of the qualifying relative. In a visa petition proceeding that is not subject to section 204(c) of the Act or some other approval bar, the overriding issue is simply whether the beneficiary qualifies for the visa classification sought. Inadmissibility, for example, does not warrant denial of a visa petition. See *Matter of O-*, 8 I&N Dec. 295 (BIA 1959). Section 204(l) now provides that an alien described in section 204(l) can still qualify for the benefit sought, despite the qualifying relative's death. Thus, only truly compelling discretionary factors should be cited as a basis to deny a visa petition under section 204(l), on the ground "that approval would not be in the public interest." Section 204(l)(1) of the Act, 123 Stat. at 2187. Before denying a visa petition on this basis, the USCIS officer must consult with the appropriate Headquarters Directorate, through appropriate channels.

This consultation requirement also applies to all cases, other than visa petition cases, that may now be approved under section 204(l) despite the qualifying relative's death. The USCIS officer must consult the appropriate Headquarters Directorate before denying a case on the ground "that approval would not be in the public interest." Section 204(l)(1) of the Act, 123 Stat. at 2187. Consultation is *not* required if the USCIS officer will deny the case based *solely* on the traditional discretionary factors that would have applied to the particular type of case, even if the qualifying relative were still alive. For example, unwaived or unwaivable fraud or criminal inadmissibility, or security grounds, may warrant denial as a matter of discretion under ordinary circumstances, and consultation is not required in such a case. Rather, consultation is required only if the USCIS officer intends to deny the case as a matter of discretion on the "not . . . in the public interest" ground.

(7) Humanitarian Reinstatement. Under DHS regulations at 8 C.F.R. § 205.1(a)(3)(i)(C), approved immediate-relative and family-based petitions filed under section 204 are automatically revoked upon the death of the petitioner or the beneficiary. Since approval under section 204(l) is a matter of agency discretion, enactment of section 204(l) does not supersede this long-standing regulation. But 8 C.F.R. § 205.1(a)(3)(iii)(C)(2) also gives USCIS discretion to decide not to revoke the approval for "humanitarian reasons." In light of section 204(l), it would generally be appropriate to reinstate the approval of an immediate-relative or family-based petition if the alien was residing in the United States when the petitioner dies and if the alien continues to reside in the United States. In those circumstances, reinstating the approval of an immediate-relative or family-based petition is appropriate even if the death that resulted in the automatic revocation occurred before October 28, 2009.

The fact that USCIS already denied reinstatement before October 28, 2009, does not preclude a new request.

Under DHS regulations at 8 C.F.R. § 205.1(a)(3)(iii)(B), approved employment-based petitions filed under INA section 203(b) are automatically revoked upon the death of the petitioner or the beneficiary. There is no comparable regulatory provision that allows for the reinstatement of the approval of employment-based petitions based upon “humanitarian reasons.” Similarly, the DHS regulation at 8 C.F.R. §205.1(a)(3)(iii)(C)(2) does not provide for reinstatement of approval of an immediate-relative or family-based visa petition if it is the principal beneficiary, rather than the petitioner, who has died. In light of section 204(l), however, USCIS officers may act favorably on requests to reinstate approvals under section 205 of the Act and 8 C.F.R. part 205.

See Chapter 21.2(h)(1)(C) of this *AFM* for further guidance on reinstating approval of visa petitions. Chapter 21.2(h)(1)(C) specifies the information that the beneficiary should submit with the written request for reinstatement and also specifies that the written request should be submitted to the USCIS service center or field office that approved the petition except that, if the beneficiary has properly filed an application for adjustment of status with USCIS, the request should be submitted to the USCIS office with jurisdiction over the adjustment application.

USCIS may still deny a request to reinstate approval as a matter of discretion. As stated in chapter 10.21(c)(6) of the *AFM*, however, the USCIS officer must consult the appropriate Headquarters Directorate through appropriate channels, if the USCIS officer intends to deny reinstatement solely based on a finding under section 204(l) that granting it “would not be in the public interest.”

(8) Application of New Section 204(l) to Cases Adjudicated before October 28, 2009.

(i) Denials. New section 204(l) does not, by its terms, require USCIS to reopen or reconsider any decision denying a petition or application, if the denial had already become final before October 28, 2009. For this reason, enactment of new section 204(l) is not a reason for USCIS to reopen or reconsider, on its own motion, any decision that was made before October 28, 2009. Given the intent of section 204(l), USCIS has decided to allow an alien to file an untimely motion to reopen a petition, adjustment application, or waiver application that was denied before October 28, 2009 if new section 204(l) would now allow approval of a still-pending petition or application. A motion to reopen, rather than a motion to reconsider, would be the proper type of motion, since the alien would need to present new evidence: proof of the relative’s death and proof both that the alien was residing in the United States when the relative died and that the alien continues to reside in the United States. The alien must pay the standard filing fee for each motion, unless the alien qualifies for a fee waiver under 8

C.F.R. § 103.7(c)(5). If the alien establishes that he or she was residing in the United States when the qualifying relative died, and that he or she continues to reside in the United States, it would be appropriate for USCIS to exercise favorably the discretion to reopen the petition and/or application(s), and to make new decisions in light of new section 204(l).

Note that an alien who is present in the United States unlawfully does not accrue unlawful presence while a properly filed adjustment application is pending. AFM chapter 40.9.2(b)(3)(A). If USCIS grants, under section 204(l) of the Act, a motion to reopen a Form I-485 that was denied, the Form I-485 will, once again, be pending, and is deemed to be pending from the original date of filing. Thus, reopening a Form I-485 under section 204(l) of the Act will cure any unlawful presence that may have accrued between the original denial and the new decision. The result is that the alien will not have accrued any unlawful presence from the original filing of the Form I-485 until there is a final decision after the reopening of the Form I-485. If the alien is otherwise inadmissible because of unlawful presence accrued before applying for adjustment, a waiver may be available, as discussed in paragraph (c)(5) of this chapter.

(ii) Approvals. A USCIS officer may encounter a case in which a petition or application was approved, before October 28, 2009, despite the death of a qualifying relative. The approval may have occurred because USCIS was unaware of the death, or because the alien persuaded USCIS that the death did not end eligibility. Although some courts of appeals had held that the death of a citizen did not end the eligibility of the citizen's *spouse* for classification as an immediate relative, there was no nationwide ruling on this issue. Nor was there any binding precedent concerning relatives other than widow(er)s of citizens. The spousal immediate relative cases, however, could be seen as at least persuasive authority that USCIS could approve other types of visa petitions, despite the petitioner's death. Given the intent of section 204(l), USCIS will deem the approval of the petition and the grant of adjustment proper, and will not seek to rescind a grant of adjustment, if the sole basis for doing so is the death of the qualifying relative or the resulting invalidity of the Form I-864 filed by the visa petitioner.

2. Chapter 21.2(h)(1)(C) of the *AFM* is amended by:
 - a. Revising the first and second sentences in the third paragraph; and
 - b. Removing the final paragraph and replacing it with 2 additional paragraphs at the end.

The revisions read as follows:

21.2 Factors Common to the Adjudication of All Relative Petitions

* * * * *

(h) Revocation of Approval. * * *

(1) Automatic Revocation. * * *

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(C) Discretionary Authority to Not Automatically Revoke Approval.

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To request humanitarian reinstatement of a revoked petition, the beneficiary should send a written request for reinstatement to the USCIS service center or field office that approved the petition except that, if the beneficiary has properly filed an application for adjustment of status with USCIS, the written request should be submitted to the USCIS office with jurisdiction over the adjustment application. The written request must include a copy of the approval notice for the revoked petition, the death certificate of the petitioner (or other qualifying relative) and, if required by section 213A of the Act and 8 CFR part 213a, a Form I-864 from a substitute sponsor and proof of the substitute sponsor's relationship to the beneficiary. * * *

While there are no other rules or precedents on how to apply this discretionary authority, reinstatement may be appropriate when revocation is not consistent with "the furtherance of justice," especially in light of the goal of family unity that is the underlying premise of our nation's immigration system. In particular, reinstatement is generally appropriate as a matter of discretion, if section 204(l) of the Act and Chapter 10.21 of this *AFM* would support approval of the petition if it were still pending. For cases that are not covered by section 204(l) of the Act, the reinstatement request will be addressed in light of the factors that USCIS has traditionally considered in acting on reinstatement requests, which include:

- The impact of revocation on the family unit in the United States, especially on U.S. citizen or LPR relatives or other relatives living lawfully in the United States;
- The beneficiary's advanced age or poor health;
- The beneficiary's having resided in the United States lawfully for a lengthy period;
- The beneficiary's ties to his or her home country; and
- Significant delay in processing the case after approval of the petition and after a visa number has become available, if the delay is reasonably attributable to the Government, rather than the alien.

Although family ties in the United States are a major consideration, there is no strict requirement for the alien beneficiary to show extreme hardship to the alien, or to

relatives already living lawfully in the United States, in order for the approval to be reinstated. If the alien is required to have a Form I-864 affidavit of support, however, there must be a Form I-864 from a substitute sponsor. 8 C.F.R. § 205.1(a)(3)(i)(C).

3. The *AFM Transmittal Memorandum* button is revised by adding a new entry, in numerical order, to read:

PM-602-0017 AFM Update 10-51 [12/16/2010]	Chapter 10.21 and 21.2(h)(1)(c)	This memorandum adds new Chapter 10.21 and revises Chapter 21.2(h)(1)(c) to reflect enactment of INA section 204(l), allowing some petitions and applications to be approved despite the death of the qualifying relative.
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Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions regarding this memorandum should be directed to the Field Operations Directorate or the Service Center Operations Directorate, through appropriate channels. For cases adjudicated overseas, questions should be directed to the International Operations Division, Programs Branch.