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Uscis affidavit of support form 2018

The declaration of support is essentially a contract between the financial sponsor and the US government. The government has the right to recover from the financial sponsor certain public benefits (such as supplementary insurance income, or SSI, and temporary assistance for needy families, or TANF) used by the spouse after receiving a green card. (See the USCIS website for a list of government benefits that must be repaid – Benefits in terms of government cost – and those that do not need to be repaid.) IMPORTANT: The U.S. Department of Homeland Security (DHS) has proposed changes to the rules that determine who can receive a green card or other visa by redefining what makes a person dependent on government benefits (or likely to be in the future). (See our detailed guide to Public Charge to learn more.) The financial sponsor's obligations under the Declaration of Support ends only when one of four things happens:One of the spouse's deaths. The spouse seeking a green card becomes an American citizen. The spouse seeking a green card has worked for 40 blocks in the United States. The spouse is seeking a green card moving out of the United States permanently. If you have been a financial sponsor of others in the past (either as a main sponsor or as a secondary co-sponsor), everyone you sponsored must be counted earlier when you are getting ready to submit a new statement of support – unless one of the events mentioned above has occurred and your obligations to that person have ended. With Boundless, you get the peace of mind that comes with having an independent immigration lawyer who answers confidential questions and reviews the entire green card application - for no additional fee. Ready to start? Learn more about what you get with Limitless, or check if you're eligible now. Starting on Wednesday, May 16, 2018, we will only accept the 03/06/18 edition of the I-864 declaration of support. New forms are now available on the USCIS website . You can check the edition date in the lower-left corner of each page of the form. It should say: Form I-864 03/06/18 Of US Mission Japan | May 11, 2018 at Topics: Consular Affairs, Visa Proposed for You A declaration of support, also called Form I-864, is an individual sign to take financial responsibility for the applicant who is going to stay in the United States. The person signing the declaration of support is also called the sponsor. The complainant must fill out form I-864; However, if the complainant's income is not sufficient, a joint sponsor may agree to also complete an I-864 on the applicant's behalf. A declaration of support can be legally enforced. Sponsor's financial liability usually lasts until the applicant either becomes a U.S. citizen, or can be credited with 40 qualifying working quarters (usually 10 years) under the Social Security Act. By signing Form I-864, the complainant (including any joint sponsors) agrees to use its resources, if to support the receiver and any dependent(s). If the recipient and dependents receive any designated federal, state or local means-tested public benefits, under U.S. law, the agency that provides the benefit shall request a refund from the signatory of I-864. NOTE: Read the following information carefully. Failure to fill in and submit the correct forms will delay the processing of your case. In general, the complainant must: a) Fill out a statement of support form and; b) Gather evidence of their finances and other supporting documents (see step 5). Complete declaration of support form There are several types of declaration of support forms (I-864, I-864EZ, and I-864A). For detailed information about claims and forms for the Support Statement, visit the US Citizenship and Immigration Service (USCIS) website. You can also find answers to frequently asked questions (FAQ) here. Use the information contained in these FAQ and on this website with, not instead of, the detailed instructions for the statement of support forms on the USCIS website. Please note: NVC customer service representatives cannot advise you on which support statement form to fill out. Start initially printed page 62432 U.S. Citizenship and Immigration Services, Department of Homeland Security (DHS). ACTION: Notice of suggested rule creation. SUMMARY: The U.S. Department of Homeland Security (DHS) proposes to amend its regulations governing the Declaration of Support Requirements under Section 213A of the Immigration and Nationality Act (INA or law). Certain immigrants are required to submit a declaration of support pursuant to Section 213A of the INA Statement by a sponsor who agrees to provide financial support to the sponsored immigrant and assumes responsibility for repaying the costs of any means-tested public benefits a sponsored immigrant receives while the declaration applies under SECTION 213A(a)(2) of the INA. DHS proposes to clarify how a sponsor demonstrates funds to maintain income pursuant to Section 213A(f)(6) of the Act that to revise the documentation that sponsors and household members must submit to meet the requirements under Section 213A(f) of dhs of the Act proposes to change when an applicant is required to submit a declaration from a common sponsor , which may be a household member for the purpose of performing a contract between sponsor household member (contract) , which is considered part of the sponsor's household size. DHS also proposes to update the reporting and information sharing requirements between authorized parties and USCIS. DATES: Written comments must be submitted about this proposed rule making on or before 2 May 2018. Comments on the collection of information (see The Paperwork Reduction Act §) must be received on or before 1. Comments on both the proposed rule making and the collection of information received on or before 2. will be assessed by DHS and USCIS. Only comments on the collection of information received between November 2, 2020 and December 1, 2020 will be considered by DHS and USCIS. Note: Comments received after November 2, 2020 on the proposed rule making instead of those specific to the collection of information will not be considered by DHS and USCIS. ADDRESSES: You can submit comments to this entire proposed rule pack, identified by DHS Docket No. USCIS-2019-0023, through the Federal eRulemaking Portal: . Follow the instructions on the website to submit comments. Comments sent in a different way than the one mentioned above, including emails or letters sent to DHS or USCIS officials, will not be considered comments on the proposed rule and cannot receive a response from DHS. Please note that DHS and USCIS cannot accept comments delivered or cured by hand. In addition, uscis cannot accept comments on any kind of digital media storage devices, such as CDs/DVDs and USB drives. Due to COVID-19, USCIS also does not accept email comments at this time. If you are unable to submit your comment using , please contact Samantha Deshombres, Chief, Regulatory Coordination Division, Office of Policy and Strategy, US Citizenship and Immigration Services, Department of Homeland Security, by phone 202-272-8377 for alternative instructions. Start additional info Phillips, Residence and Naturalization Chief, Office of Policy and Strategy, US Citizenship and Immigration Services, DHS, 20 Massachusetts NW, Washington, DC 20529-2140; phone 202-272-8377. End of further information End introduction Start Supplementary information SUPPLEMENTARY INFORMATION: I. Public participation II. Summary of Main Summary A. Purpose and Summary of Regulatory Measures B. Summary of Legal Authority C. Costs and Benefits III. Background and purpose A. Statutory Authority B. Prior Rule Making C. Current processing of a statement of support pursuant to Section 213A of the Act, Form I-864 EZ. Declaration of Support pursuant to Section 213A of the Act, Form I-864A. Refund Process E. Information Sharing F. Issues arising from current processes IV. Discussion of proposed Rule A. Requires joint sponsors under certain circumstances B. Changes in Household Income Definition C. Changes in Household Size D. Revised Proof Requirements E. Bank Account Information F. Address Change Requirements G. Information Sharing Provisions H. Revised Definitions I. Clarify Declaration Requirements for Certain Children of U.S. Citizens Acquiring U.S. Citizenship J. Various Other Amendments K. Transition Period V. Statutory and Regulatory Requirements A. Executive Orders: 12866 and 13563 B. Regulatory Flexibility Act C. Small Business Regulatory Enforcement Fairness Act of 1996 D. Congressional Review Act E. Unfunded Mandates Reform Act of 1995 F. Executive Order 13132: Federalism G. Executive Order 12988: Civil Justice H Reform Paperwork. Act I. Family Assessment J. Executive Order 13175: 13175: and coordination with Indian tribal governments K. National Environmental Policy Act (NEPA) L. National Technology Transfer and Advancement Act M. Signature Table of Abbreviations DHS - Department of Homeland Security DOJ - Department of Justice DOS - Department of State EOIR - Executive Office for Immigration Review FCRA - Fair Credit Reporting Act HHS - Department of Health and Human Services INA - Immigration and Nationality Act INS - Immigration and Naturalization Service US - USCIS Citizenship and Immigration Services I. Public participation DHS invites all interested parties to participate in this rule process by submitting written data, views, comments and arguments on all aspects of this proposed rule. DHS also invites comments related to the economic, environmental or federal effects that may be due to this proposed rule. Comments must be submitted in English, otherwise you must show an English translation. Comments that will provide the most assistance to USCIS in implementing these changes refer to a specific part of the proposed rule, explain the reason for any recommended changes and include data, information, or authority that supports such recommended change. Instructions: If you submit a comment, include the agency name (US Citizenship and Immigration Services) and DHS Docket No. USCIS-2019-0023 for this rule creation. Regardless of the method used to submit comments or materials, all submissions will be posted, without modification, to the Federal eRulemaking Portal on and will include any personal information you provide. Therefore, sending this information makes it Start printed page 62433public. You may want to consider limiting the amount of personal information you provide in any voluntary public comments you make to DHS. DHS may withhold information provided in comments from public view that it determines may affect a person's privacy or be offensive. For more information, read the privacy and security statement available . Docket: To access the docket and read background documents or comments received, go to , referring to DHS Docket No. In 2019, there were 100,000 people booked in 1999. You can also sign up for email notifications on the online docket to be notified when comments are posted or a final rule is published. II. Summary A. Purpose and summary of regulatory measures DHS proposes to change its regulations relating to the Declaration of Support in accordance with Section 213A of the INA (Affidavit). The proposed rule changes certain requirements for the declaration and is intended to better ensure that all sponsors, as well as household members who perform a contract between sponsor and household member (Contract), have the means to maintain income at the applicable income limit and able to fulfill their support obligations pursuant to SECTION 213A, 8 U.S.C. 1183a, during the period during which declaration or contract may be enforced. This proposed rule is also aimed at strengthening the enforcement mechanism of the declaration, so that sponsors and household members who agree to use their income and assets to support the sponsored immigrant are held accountable if the sponsored immigrant ultimately receives means-tested government benefits during the period of the declaration or contract being enforced. First, this proposed rule will update the evidence requirements for sponsors submitting a declaration, which will better enable immigration officers and immigration judges to determine whether the sponsor has the means to maintain an annual income at or above the appropriate threshold, and whether the sponsor can actually provide such support to the intended immigrant and fulfill all support obligations during the period in which the declaration is in effect. In particular, this proposed rule would require sponsors and household members who make a declaration or contract to provide federal tax returns for 3 years, credit reports, credit scores and bank account information. Second, this proposed rule will also amend the regulation to specify that a sponsor's prior receipt of any means-tested public benefits and a sponsor's inability to meet support obligations on another statement made, or household member obligations on a previously executed contract, will affect the decision on whether the sponsor has the means to maintain the required income threshold to support the immigrant. Receipt of means-tested government benefits by a sponsor may indicate that the sponsor does not have the financial means to maintain an annual income equal to at least 125 percent of the federal poverty line,[1] or 100 percent of the federal poverty line for a person who is in active service (other than active duty of education) in the United States armed forces and who asks for their spouse or children [2] and is relevant to determine whether the sponsor can actually provide such support to the intended immigrant during the course of the legal force. Similarly, whether a sponsor has previously failed to meet its support obligations is relevant to determine whether the sponsor will meet future support obligations. In particular, this proposed rule would require an applicant submitting an application for an immigrant visa or adjustment of status on or after the effective date of this rule to submit a Form I-864 performed by a joint sponsor if a petition sponsor or replacement sponsor received any means-tested public benefits on or after the effective date of this rule and within the 36-month period prior to completion of the declaration , or if the petition sponsor or replacement sponsor had a judgment entered into against him or her at any time in order not to fulfill any prior sponsorship or household membership obligation. Moreover, this proposed rule would only allow a person to be a joint sponsor if he or she has none of the means-tested public benefits on or after the effective date of this rule and within 36 months of the declaration being made, nor had a judgment entered into against him or her at any time for not fulfilling a previous sponsorship or household member obligation. Third, this proposed rule will revise the applicable regulatory requirements as to who may qualify as a household member for the purpose of submitting and executing a Form I-864A. Currently, there is no limit on the number of household members who can perform a Form I-864A. DHS intends to allow only a sponsor spouse or an intended immigrant with the same main residence (the same main residence on immigration, in the case of an intentional immigrant consular treatment) as a sponsor to perform form I-864A, which will better ensure that the income a household member promises to make available to support the intended immigrant is actually available. Fourth, this proposed rule will update and improve how means-tested government benefit agencies get information from USCIS and how they can provide information to USCIS. Applicable regulations require a duly issued subpoena before USCIS can provide a certified copy of Form I-864 or Form I-864EZ for use in all measures to enforce the support obligation. [3] The proposed rule would eliminate the requirement for a duly issued subpoena before USCIS will provide a certified copy of Form I-864 or Form I-864EZ to a request party and instead allow the parties to submit a formal request for a declaration or contract to USCIS. A requester will submit a formal request using a new form created by DHS, G-1563, Request for certified copy of declaration of support under Section 213A of the INA or contract between sponsor and household member. DHS also proposes revising the process to inform USCIS of judgments obtained against sponsors and indigency provisions to give USCIS flexibility to determine a more effective mechanism for information reporting. Applicable regulations require that copies of judgments and indigency provisions must be submitted to a specific USCIS office in Washington, D.C. [4] The proposed rule would remove the address specified in the regulation [5] and allow USCIS to provide another mechanism for submitting copies of judgments and indigency provisions. Fifth, DHS proposes updating the regulation to clarify which categories of aliens are exempt from the declaration's requirements, and to add and revise definitions to provide greater clarity and to comply with statutory changes made since the current regulation was adopted in 2006. Sixth, DHS proposes to update the regulations by clarifying that the notice of change of address Start printed page 62434requirement pursuant to Section 213A (d) of the Act, 8 U.S.C. 1183a(d) also applies to household members who perform a contract in addition to sponsors. This change allows you to to provide current member information for households in order to appropriate entities in accordance with Section 213A of the Act, 8 U.S.C. 1183a(a), creating parity between the requirements of sponsors and household members. Most recently, DHS proposes other minor regulatory revisions to update definitions, eliminate form numbers and revise outdated terminology. DHS proposes to replace the concept of declaration of support attachments with the Contract between sponsor and household member, which is the name of the relevant form (Form I-864A), throughout the regulation. DHS also proposes to clarify that in connection with a declaration and a contract, assets used to meet the required threshold must be those that can be easily converted into cash. DHS also proposes corresponding amendments to Form I-864, Declaration of Support pursuant to Section 213A of the Act, Form I-864 EZ. Declaration of Support pursuant to Section 213A of the Act and Form I-864A, contract between sponsor and household member. At the same time, DHS proposes eliminating the use and assessment of the request for waivers to intend for immigrant declaration of support, Form I-864W, which currently applies to certain classes of aliens. B. Summary of legal authority The Minister of Homeland Security authority for the proposed regulatory changes can be found in Section 213A of the Act, 8 U.S.C. 1183a, which govern C s the cost of publicly inadmissible, including which aliens are required to make a statement. In addition, section 103(a)(3), 8 U.S.C. 1103(a)(3), authorizes the secretary to establish such regulations that he deems necessary and within his authority under the INA. C. Costs and Benefits The proposed rule will impose new net costs on the population of sponsors who make a declaration using Form I-864 or Form I-864EZ, as well as on the population of household members who perform a contract using Form I-864A, allowing a sponsor to use the household member's income and/or assets to demonstrate funds to maintain income. In addition, the proposed rule will impose new net costs on the population who perform Form I-864A as a household member who will now be required to submit Form I-865 to notify of a change of address after relocation. Moreover, the proposed rule would provide some cost savings for immigrants applying for adjustment of status that would need to request exemptions from submitting a declaration that DHS proposes to eliminate Form I-864W for use when submitting Form I-485. Instead, individuals will be required to provide the information previously requested on Form I-864W when they file form I-485. DHS has determined that the information an applicant provides on Form I-485 would be sufficient for a ratings officer to be able to confirm whether an immigrant is stately required to submit a declaration. This proposed rule will also impose new costs on those from a party or entity authorized to implement a statement or contract making a formal request using the proposed new form G-1563, Request for certified copy of declaration of support pursuant to section 213A of the INA or contract between sponsor and household member, so that USCIS can provide a certified copy of the requested statement or contract performed on behalf of a sponsored immigrant for use as evidence in any act of enforcement. DHS estimates the total cost of filing the proposed new Form G-1563 would be about \$779 annually. [6] DHS estimates that the total new quantified net costs imposed by the proposed rule will be \$240,314,623 annually for sponsors submitting a declaration for an intended immigrant using Form I-864 and Form I-864EZ, for those who perform a contract using Form I-864A, and for those who submit a message about a change to the address after moving by using Form I-865 , for those submitting Form G-1563 to make a formal request for a certified copy and declaration or contract, as well as accounting for the estimated cost savings for immigrants applying for status adjustment that would require requesting an exemption from submitting a declaration that DHS proposes to eliminate Form I-864W for use when submitting Form I-485. The estimated new quantified net costs for the proposed rule will be based on increased time opportunity costs to fill out Form I-864, Form I-864A and Form I-864EZ, [7] as well as new requirements to fill out these forms, including: Obtaining credit reports and credit scores, obtaining Internal Revenue Service (IRS)-issued certified copies or transcripts of federal tax returns for the last 3 taxable years, and opportunity costs for time to submit IRS Form 4506, Request for copy of tax return, to obtain IRS-issued certified federal tax return to fill out Form I-864 and Form I-864EZ. The estimated new quantified costs for the proposed rule will also be based on the proposed requirement that those who file Form I-864A use Form I-865 to notify of a change to the address after moving. During the first 10 years of implementation, DHS estimates that the total quantified new net cost of the proposed rule will be \$2,403,146,230 (not counted). DHS estimates that the 10-year discounted total net cost for this proposed rule would be about \$2,049,932,479 at a 3 percent discount rate and about \$1,687,869,350 at a 7 percent discount rate. The primary benefit of the proposed rule would be to better ensure that the sponsored immigrant is financially supported as required by law, and that means-tested government benefit agencies can more effectively seek reimbursement from sponsors and household members when a sponsored immigrant receives some means-tested public benefit. DHS also expects the proposed rule to produce benefits by

