

Instructions for Form I-912, Request for Fee Waiver

Department of Homeland Security
U.S. Citizenship and Immigration Services

Instructions

Read these instructions carefully to properly complete Form I-912. If you need more space to complete an answer, use a separate sheet of paper. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet of paper and indicate the section and number of the item to which the answer refers.

Introduction

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 *you are unable to pay the fee*. 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.

For further guidance on fee waiver requests, visit our Web site at: www.uscis.gov/feewaiver.

Which applications and petitions will USCIS consider for a fee waiver?

You may use Form I-912 to request a fee waiver for any of the following benefit requests or services:

- A. Form I-90, Application to Replace Permanent Resident Card;
- B. Form I-131, Application for Travel Document can be waived for those applying for humanitarian parole;
- C. 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(l)(7) of the INA;
- D. 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;
- E. 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:
 1. "T" nonimmigrant status (victim of human trafficking) or "U" nonimmigrant status (victim of certain crimes who has assisted in an investigation or prosecution);
 2. Asylum status in the United States;
 3. Approved status as a battered or abused spouse, child, or parent of a U.S. citizen or lawful permanent resident;
 4. Special Immigrant Juvenile status based on an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant;
 5. 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, or similar provision; and
 6. Continuous residence in the United States since before January 1, 1972, ("Registry").
- F. 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;
- G. Form I-601, Application for Waiver of Grounds of Inadmissibility. The fee for Form I-601 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(l)(7) of the INA;
- H. Form I-751, Petition to Remove Conditions on Residence;
- I. Form I-765, Application for Employment Authorization;
- J. Form I-817, Application for Family Unity Benefits;
- K. Form I-821, Application for Temporary Protected Status;
- L. Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 Pub. L. 105-100 (NACARA));
- M. Form N-300, Application to File Declaration of Intention;
- N. Form N-336, Request for Hearing on a Decision in Naturalization Procedures Under Section 336 of the INA;

- O. Form N-400, Application for Naturalization;
- P. Form N-470, Application to Preserve Residence for Naturalization Purpose;
- Q. Form N-565, Application for Replacement Naturalization/Citizenship Document;
- R. Form N-600, Application for Certificate of Citizenship;
- S. Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322; and
- T. Biometric services fees in connection with any application or petition, regardless of whether it is listed above.

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.

Fee Waiver Request Review Process

1. 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.

STEP 1

2. 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. 104-193, but your eligibility for the benefit must still depend on your income and other resources 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.

3. 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.
- 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.
- 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.
- D. If an elderly parent living with his or her adult child is receiving SSI, the adult child 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.

STEP 2

4. How will you use my household income information to determine my eligibility for a fee waiver?

- 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.
- 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, please see Step 3.

5. 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, 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, will be sufficient evidence of income.

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.

6. 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;
 - 2. Your spouse; and
 - 3. The following family members:
 - a. Your children or legal wards, who are unmarried and under 21 years of age, and who live with you;
 - 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
 - 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.
- C. If your parents live with you, they can also be included as members of the household when determining size.

7. Will I include the income of a person living with me if that person is not part of my household for tax purposes?

- A. If a person is living with you, but is not claimed as a member of your household for tax purposes, that person's income will not be considered when determining your household income. You do not need to provide this person's income.
- B. Similarly, if you are living with someone and you are not a member of that person's household for tax purposes, that person's income will not be considered when determining the applicant's household income. You do not need to provide income for that person.

8. 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?

- 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.
- 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.

9. 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 not claimed 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.

10. 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 tax return. Please see information in Step 3.

11. What if I cannot provide evidence of income?

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

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

- A. The fee waiver request should be supported by one of the forms of evidence listed below:
 - 1. A recent state or juvenile court order establishing dependency or custodial assignment of the SIJ;
 - 2. 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
 - 3. An approval notice on a Form I-797, Notice of Action, for a Form I-360, filed for the SIJ.

STEP 3

13. What if I believe special circumstances warrant a fee waiver even though my income puts me above 150% of the Federal Poverty Guidelines?

- A. You will need to provide us with a description of your financial hardship as well as the following:
 - 1. Income as described above; and
 - 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.
- 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.

14. What if I cannot provide evidence of income?

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. If possible, additional evidence can be provided by affidavits from churches and other community-based organizations indicating that you are currently receiving some benefit from that entity.

General

1. Is there a fee for filing Form I-912?

There is no filing fee for the Form I-912.

2. Can I file one fee waiver request for all members of my family applying for immigration benefits ?

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 "Who Must Sign Form I-912?" on Page 5.

3. Can I file a Form I-912 without an application or petition?

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.

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?

No. You can file one fee waiver request covering all applications, petitions, and biometrics services fees filed for that applicant in the same envelope.

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?

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.

6. Will requesting a fee waiver affect my current immigration status?

- 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 "Public Charge."
- B. USCIS will not consider the possibility that you might be inadmissible or deportable as a "public charge" in deciding 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.
- 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.

7. What if someone filed an affidavit of support for me?

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.

Who Must Sign Form I-912?

- A. If you are at least 14 years of age or older, you must sign Form I-912.
- B. Your parent or legal guardian may sign Form I-912 for you if you are under 14 years of age.
- C. Your legal guardian may also sign Form I-912 for you if you are not mentally competent to manage your own affairs no matter what your age.

General Instructions for Completing Form I-912

- A. This section provides you with line-by-line instructions for completing Form I-912.
- B. We recommend that you use the Adobe-fillable form available on the USCIS Web site. If the Adobe-fillable form is not available, type or print your answers in black ink.
- C. If an item does not apply to you, enter "Not Applicable" or "N/A" unless the instructions direct you to do something else. If the answer is none, write "None."
- D. If you need more space to complete an answer, use a separate sheet of paper. At the top of each continuation sheet, write your name and Alien Registration Number (A-Number), if you have one, and indicate the section and number of the item(s) to which the answer refers.

SECTION 1 - INFORMATION ABOUT YOU

This section is for the person who needs the fee waiver. If you have dependents whose applications or petitions are part of the fee waiver request, please provide additional information in Section 2.

Line 1. a. Family Name (Last Name).

Line 1. b. Given Name (First Name).

Line 1. c. Middle Initial.

If you have two last names, include both in the Family Name box and use a hyphen (-) if appropriate.

Line 2. Alien Registration Number. Enter your A-Number. If you do not have an A-Number, enter "Not Applicable" or "N/A."

Line 3. U.S. Social Security Number. Enter your Social Security Number. If you do not have a Social Security Number, enter "Not Applicable" or "N/A."

Line 4. Date of Birth. Enter your date of birth as "mm/dd/yyyy." For example, enter May 1, 1979, as 05/01/1979.

Line 5. Marital Status. Select "Never Married," "Married," "Marriage Annulled," "Legally Separated," "Divorced," or "Widow(er)."

Line 6. 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, where applicable.

SECTION 2 - ADDITIONAL INFORMATION IF DEPENDENT(S) ARE INCLUDED IN THIS REQUEST

Line 7. Provide the requested information for each dependent who is part of this request. This can include your spouse, children and wards.

SECTION 3 - BASIS FOR YOUR REQUEST

This choice relates to you, the person named in Section 1.

Line 8. a. If you or a relevant member of your household is currently receiving a means-tested benefit, check "8.a." and attach documentation. Please complete Sections 4 and 7 of the form. See Step 1, Question 3 (Page 3 of these instructions) to determine if you can include information on other members of your household who may be receiving a means-tested benefit.

Line 8. b. If your household income is at or below 150% of the Federal Poverty Guidelines, check "8.b." and attach documentation. Please complete Sections 5 and 7 of the form.

Line 8. c. If you have a financial hardship, check "8.c." and attach documentation. Please complete Sections 5, 6, and 7 of the form.

SECTION 4 - MEANS-TESTED BENEFIT

Line 9. 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 recipient is currently receiving the benefit.

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

SECTION 5 - HOUSEHOLD INCOME

Line 10. Enter the number of dependents who live with you.

Line 11. Take your household wage income for the previous 12-month period and divide by 12, and enter that amount as your household's average monthly wage income.

Line 12. Enter other money received each month that is not included in Line 15. This could include spousal support, child support, unemployment compensation, etc.

USCIS will compare the Total amount to the Federal Poverty Guidelines.

SECTION 6 - FINANCIAL HARDSHIP

Line 13. In the space provided, describe your financial hardship. 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.

Line 14. If you are currently unemployed, enter the date that you became unemployed.

Line 15. If you are currently unemployed, enter the monthly dollar amount of unemployment compensation that you are receiving.

Line 16. 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 17. 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.

SECTION 7 - YOUR SIGNATURE AND AUTHORIZATION

Line 18. After you read the release, 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 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.

Filing Your Request

To file your completed Form I-912, attach it and all supporting documentation to the application(s) or petition(s) that you are submitting.

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).

Additional Information

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 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).

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.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this form, and the associated evidence, is collected pursuant to The Immigration and Nationality Act (INA), as amended, INA section 101, *et seq.*

PURPOSE: The primary purpose for providing the requested information on this form is to determine if a fee waiver request should be approved.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in denial of your fee waiver request.

ROUTINE USES: The information you provide on this form 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, index, and National File Tracking 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.

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 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 Products Division, Office of the Executive Secretariat, 20 Massachusetts Avenue, N.W., Washington, DC 20529-2020; OMB No. 1615-0116. This form expires October 31, 2012. **Do not mail your Form I-912 to this address.**