



Instructions for Application for Family Unity Benefits

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

USCIS
Form I-817
OMB No. 1615-0005
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What Is the Purpose of Form I-817?

Use Form I-817, Application for Family Unity Benefits, to request initial benefits under the Family Unity Program or to request an extension of such benefits. You must reside in and file Form I-817 in the United States.

When Should I File Form I-817?

You should file Form I-817:

1. To request an initial benefit or an extension of authorization to remain in the United States under the Family Unity Program and to request an initial or an extension of Form I-766, Employment Authorization Document (EAD); or
2. If you are applying for Family Unity Program benefits under section 301 of the Immigration Act of 1990 (IMMACT 90), or if you are applying under section 1504 of the Legal Immigration Family Equity Act (LIFE Act Amendments):
 - A. If you are granted Family Unity benefits under IMMACT 90, you are authorized to remain in the United States for two years, and you will receive an EAD valid for the same period.
 - B. If you are granted Family Unity benefits under the LIFE Act, you are authorized to remain in the United States for two years (only one year if your spouse or parent has a pending application for adjustment to lawful permanent resident status). You will receive an EAD valid for the same period.

NOTE: If you previously qualified for LIFE Act Family Unity as a child, you may be eligible for IMMACT 90 Family Unity.
 - C. If you are granted Family Unity benefits under either IMMACT 90 or the LIFE Act and you intend to travel outside the United States temporarily, you must apply for advance parole authorization by completing Form I-131, Application for Travel Document. Advance parole allows you to request parole into the United States when you return.
 - D. For purposes of this application, a legalized alien is someone who obtained temporary or permanent residence in the United States through Legalization under the Immigration and Nationality Act (INA) section 210 or 245A, or under section 1104(b) of Public Law 106-553 (the LIFE Act). For the purposes of this form, a legalized alien is also someone who obtained permanent residence through a Cuban/Haitian Adjustment under section 202 of the Immigration Reform and Control Act of 1986.

General Instructions

USCIS provides forms free of charge through the USCIS website. 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.

NOTE: You must fill out a separate Form I-817 for each person who needs to apply for Family Unity benefits.

Filing Fee. Each application must be accompanied by the appropriate filing fee. (See the **What Is the Filing Fee** section of these Instructions.)

Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the **What Evidence Must 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 application, petition, or request. After USCIS receives your application 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 are required to provide biometrics, at your appointment you must sign an oath reaffirming that:

1. You provided or authorized all information in the application;
2. You reviewed and understood all of the information contained in, and submitted with, your application; and
3. All of this information was complete, true, and correct at the time of filing.

If you fail to attend your biometric services appointment, USCIS may deny your application.

Copies. You should 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 USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

NOTE: If you submit original documents when not required or requested by USCIS, **your original documents may be immediately destroyed upon receipt.**

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. The certification must include the translator's signature. The Department of Homeland Security (DHS) recommends the certification contain the translator's printed name and the date and the translator's contact information.

How To Fill Out Form I-817

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this application, use the space provided in **Part 10. 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.

Eligibility for Filing Form I-817

Under IMMACT 90

To prove eligibility for Family Unity Program benefits under **IMMACT 90**, you must establish that you meet the following conditions below.

1. You entered the United States prior to May 5, 1988, or December 1, 1988, depending on the section of law that applies to you, and you have continuously resided in the United States since that date.
2. You must prove that on May 5, 1988, or December 1, 1988 (as appropriate), you were either the spouse or the unmarried child under 21 years of age of a person who became a legalized alien.

NOTE: If you were an unmarried child under 21 years of age of a legalized alien as of May 5, 1988 or December 1, 1988, depending on the section of law that applies to you, and you have since married, you will be regarded as continuously eligible for Family Unity Program benefits if you satisfy the other eligibility requirements.

3. You are not in one of the categories of aliens defined in 8 Code of Federal Register (CFR) section 236.13.
4. Your qualifying relative (spouse or parent), on whom you base your application for Family Unity Program benefits, has maintained his or her status as a legalized alien or as a U.S. citizen if he or she naturalized. If deceased, your spouse or parent maintained his or her status until his or her death.

NOTE: For more information on the two dates, May 5, 1988, or December 1, 1988, see the **Family Unity Benefits Eligibility** section of these Instructions regarding relationship to a legalized alien.

Under LIFE Act

To prove eligibility for Family Unity benefits under the **LIFE Act**, you must establish that you meet the following conditions:

1. You entered the United States before December 1, 1988, and resided in the United States on that date;
2. You are the spouse or unmarried child under 21 years of age of an alien who is eligible for adjustment of status under section 1104 of the LIFE Act;
3. Your spouse or parent has a pending adjustment of status application or was granted adjustment of status under the LIFE Act;
4. You are not in one of the categories of aliens defined in 8 CFR section 245a.32; and
5. The qualifying relationship between you and your spouse or parent continues to exist.

Family Unity Benefits Eligibility

The classes of individuals eligible to apply for Family Unity benefits are listed below.

Select the box in **Part 3. Basis for Application** that matches your request.

1. **On May 5, 1988**, I was the spouse of an alien who was legalized under INA section 245A and I currently meet all of the necessary residence and other continuous eligibility requirements.

If all of the above are applicable, select **Item Number 1.a.**

2. **On May 5, 1988**, I was the unmarried child under 21 years of age of a person who was legalized under INA section 245A, and I currently meet all of the necessary residence and other continuous eligibility requirements.

If all of the above are applicable, select **Item Number 1.b.**

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3. **On December 1, 1988**, I was the spouse of an alien who was legalized as a Special Agricultural Worker under INA section 210, and I currently meet all of the necessary residence and other continuous eligibility requirements.

If all of the above are applicable, select **Item Number 1.c**.

4. **On December 1, 1988**, I was the unmarried child under 21 years of age of a person who was legalized as a Special Agricultural Worker under INA section 210, and I currently meet all of the necessary residence and other continuous eligibility requirements.

If all of the above are applicable, select **Item Number 1.d**.

5. **On May 5, 1988**, I was the spouse of a legalized alien who adjusted status under section 202 of the Immigration Reform and Control Act of 1986 (Cuban/Haitian Adjustment), and I currently meet all of the necessary residence and other continuous eligibility requirements.

If all of the above are applicable, select **Item Number 1.e**.

6. **On May 5, 1988**, I was the unmarried child of a legalized alien who adjusted status under section 202 of the Immigration Reform and Control Act of 1986 (Cuban/Haitian Adjustment), and I currently meet all of the necessary residence and other continuous eligibility requirements.

If all of the above are applicable, select **Item Number 1.f**.

7. I am the spouse of a person who is eligible for and has a pending adjustment of status adjustment of status application or was granted adjustment of status under section 1104 of Public Law 106-5534, the LIFE Act. I entered the United States **before December 1, 1988**, and resided in the United States on that date.

If all of the above are applicable, select **Item Number 1.g**.

8. I am the unmarried child under 21 years of age of a person who is eligible for and has a pending application or was granted adjustment of status under section 1104 of Public Law 106-5534, the LIFE Act. I entered the United States **before December 1, 1988**, and resided in the United States on that date.

If all of the above are applicable, select **Item Number 1.h**.

NOTE: When a legalized alien becomes a U.S. citizen, his or her spouse and unmarried children under 21 years of age will be eligible to apply for an immigrant visa or to adjust status as lawful permanent residents. If you are eligible to apply for an immigrant visa abroad, you must follow the U.S. Department of State requirements. To apply for adjustment of status, you must follow the requirements from the INA and 8 CFR.

A. If you are requesting:

- (1) Initial Family Unity benefits under section 301 of IMMACT 90. **Select Item Number 2.a.** if this is your first application requesting Family Unity benefits;
- (2) An extension of Family Unity benefits under section 301 of IMMACT 90. **Select Item Number 2.b.** if you already have benefits under the Family Unity Program and are requesting an extension. You must submit the following:
 - (a) Evidence that Form I-130, Petition for Alien Relative, was filed on your behalf, if applicable, and that the legalized alien through whom you obtained Family Unity benefits is a lawful permanent resident or naturalized U.S. citizen; or
 - (b) Proof that you no longer have a relationship with your spouse or the legalized alien; and
 - (c) A copy of your prior Form I-817 approval notice.
- (3) Initial Family Unity benefits under section 1504 of Public Law 106-554, the LIFE Act Amendments. **Select Item Number 2.c.** if this is your first application requesting Family Unity benefits under the LIFE Act, as amended; or

- (4) An extension of Family Unity benefits under section 1504 of Public Law 106-554, the LIFE Act Amendments. **Select Item Number 2.d.** if you already have benefits under section 1504 of Public Law 106-554 and are requesting an extension.

NOTE: If you previously qualified for Family Unity benefit under section 1504, you may be eligible to apply for benefits under section 301 of IMMACT 90. To determine if you are eligible for Family Unity Benefits Program, go to **Part 3. Basis for Application** in the **Specific Instructions** section of these Instructions.

Specific Instructions

Form I-817 is divided into **Parts 1. - 9.** The following information will help you fill out the application.

Part 1. Information About You

Item Number 1. Alien Registration Number (A-Number) (if any). This is your 9-digit file number. If you do not have an A-Number or do not know it, leave this blank. If your A-Number has 8 digits, place a zero before the first number (example: A12345678 must be written A012345678).

Item Numbers 2.a. - 2.c. Your Full Name. Provide your full legal name as shown on your identity documents. If you have two last names, include both and use a hyphen (-) between the names, if appropriate.

Item Numbers 3.a. - 4.c. Other Names Used. Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 10. Additional Information.**

Item Number 5. Date of Birth. Provide your date of birth in mm/dd/yyyy format in the space provided.

Item Number 6. U.S. Social Security Number (if any). Provide your U.S. Social Security number, if any. If you do not have a U.S. Social Security number, leave this space blank.

Item Number 7. USCIS Online Account Number (if any). If you have previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. If you received such a notice, your USCIS Online Account Number can be found at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.

Item Number 8. Sex. Select male or female.

Item Numbers 9. - 10. Country of Birth and Country of Citizenship or Nationality. Provide the name of the country of your birth and the name of the country of your citizenship or nationality. Use the current names of the country of your birth and country of your citizenship or nationality.

Item Numbers 11.a. - 11.f. Mailing Address. Provide your U.S. mailing address, if different from your home address.

Item Numbers 12.a. - 12.e. Physical Address. Provide your physical street address in the United States. This must include a street number and name or a rural route number. Do not put a Post Office Box (PO Box) number here.

NOTE: Applicants must provide a U.S. address in either the Mailing Address or the Physical Address sections.

Part 2. Biographic Information

Provide the biographic information requested in **Part 2., Item Numbers 1. - 6.** Providing this information as part of your application may reduce the time you spend at your USCIS ASC appointment as described in the **Biometric Services Appointment** section of these Instructions.

Item Numbers 1. - 2. Ethnicity and Race. Select the boxes that best describe your ethnicity and race.

Categories and Definitions for Ethnicity and Race

- 1. Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. (**NOTE:** This category is only included under Ethnicity in **Part 2., Item Number 1.**)
- 2. White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- 3. Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- 4. Black or African American.** A person having origins in any of the black racial groups of Africa.
- 5. American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- 6. Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Item Number 3. Height. Select the values that best match your height in feet and inches. For example, if you are five feet and nine inches, select “5” for feet and “09” for inches. Do not enter your height in meters or centimeters.

Item Number 4. Weight. Enter your weight in pounds. If you do not know your weight, or need to enter a weight under 30 pounds or over 699 pounds, enter “000.” Do not enter your weight in kilograms.

Item Number 5. Eye Color. Select the box that best describes the color of your eyes.

Item Number 6. Hair Color. Select the box that best describes the color of your hair.

Part 3. Basis for Application

Item Numbers 1.a. - 1.h. I am applying for Family Unity benefits because. Select the box that applies to your particular circumstance.

Item Numbers 2.a. - 2.d. I am requesting. Select the box that relates to what you are requesting.

Part 4. Information About Your Relationship

Information About Your Spouse or Parent

Item Numbers 1.a. - 12. The information requested is about the legalized alien through whom you are claiming eligibility or an applicant qualifying for legalization under the LIFE Act. You must provide all the requested information.

Complete Only if You Are Applying Based on a Marital Relationship or You Were Previously Married

Item Numbers 13. - 20. Complete this section if you are applying based on a qualifying marital relationship or you were previously married. You must provide all of the requested information.

1. Select the box that reflects your marital status.
2. If you are married, divorced, or widowed, provide the requested information about your marriages.
3. In addition, if you were previously married, select **Item Number 20.** to indicate that you have completed this section.

Complete Only if You Are Applying Based on a Child/Parent Relationship

Item Numbers 21.a. - 24.e. Complete this section if you are applying based on a qualifying child/parent relationship. You must provide all of the requested information.

1. Provide the requested information about your relationship to the legalized alien and complete **Item Numbers 21.a. - 24.e.** If you need extra space to complete this section, use the space provided in **Part 10. Additional Information**, and submit supporting documentation required in accordance to the Foreign Affairs Manual.
2. Provide the requested information about your marital status.

Part 5. Other Information

Item Numbers 1. - 38. The information requested is about you. You must provide all the requested information in **Item Numbers 1. - 24.f.** You must answer all the questions in **Item Numbers 25.a. - 38.**

Part 6. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

Item Numbers 1.a. - 6.b. Select the appropriate box to indicate whether you read this application yourself or whether you had an interpreter assist you. If someone assisted you in completing the application, select the box indicating that you used a preparer. Further, you must sign and date your application and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every application **MUST** contain the signature of the applicant (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

Part 7. Interpreter's Contact Information, Certification, and Signature

Item Numbers 1.a. - 7.b. If you used anyone as an interpreter to read the Instructions and questions on this application 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, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the application.

Part 8. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant

Item Numbers 1.a. - 8.b. This section must contain the signature of the person who completed your application, if other than you, the applicant. 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 application is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this application **MUST** sign and date the application. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your application is an attorney or accredited representative, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your application.

Part 9. Signature for Placement on Employment Authorization Document

Make sure that your signature fits into the box provided. **No part of your signature can extend outside the box.**

Part 10. Additional Information

Item Numbers 1.a - 7.d. If you need extra space to provide any additional information within this application, use the space provided in **Part 10. Additional Information.** If you need more space than what is provided in **Part 10.**, you may make copies of **Part 10.** to complete and file with your application, or attach a separate sheet of paper. Type or print 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 application to review in the future and for your records. We recommend that you review your copy of your completed application before you come to your biometric services appointment at a USCIS ASC. At your appointment, USCIS will permit you to complete the application process only if you are able to confirm, under penalty of perjury, that all of the information in your application is complete, true, and correct. If you are not able to make that attestation in good faith at that time, USCIS will require you to return for another appointment.

What Evidence Must You Submit?

You must submit all evidence requested in these Instructions with your application. If you fail to submit required evidence, USCIS may reject or deny your application for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions.

1. Requesting Initial Family Unity Benefits Under Section 301 of IMMACT 90

You **must** prove that the required relationship exists and that you are eligible to file an initial application. In order to prove that, submit a copy of the following:

- A. The document issued by USCIS to your legalized spouse or parent (for example, Form I-551, Permanent Resident Card, or N-550, Certificate of Naturalization);
- B. Your registered marriage certificate if the legalized alien is your spouse, submit a copy of the front and back of a registered marriage certificate; or

NOTE: If you or your spouse were previously married, submit a copy of a final divorce decree or death certificate.

- C. Evidence of a valid parent-child relationship if the legalized alien is your parent.

This evidence can vary, depending on the circumstances of your relationship.

- (1) If your mother is the legalized alien, submit a copy of the front and back of your birth certificate showing your mother's name.
- (2) If you were born in wedlock and the legalized alien is your natural father, submit a copy of the front and back of your birth certificate showing your father's name, your parents' marriage certificate, and proof of termination of any of their prior marriages. If your father's name is not on the birth certificate, please provide other proof of paternity, such as a court order of acknowledgment/paternity.
- (3) If you are the legitimated child of a legalized alien father, submit a copy of the front and back of your birth certificate and evidence of your legitimation. Legitimation is established by the marriage certificate of your natural parents or by documents of legitimation issued by civil authorities. The legitimation must have occurred while you were unmarried and prior to your 18th birthday. You must also submit evidence of any legal termination of your parents' prior marriages, if your legitimation resulted from your natural parents' marriage to each other.
- (4) If you were born out of wedlock and the legalized alien is your natural father, submit a copy of the front and back of your birth certificate showing your father's name. You must provide evidence showing that a valid parent-child relationship exists.

Such evidence may include, but is not limited to:

- (a.) Money order receipts or canceled checks showing your father's financial support;
- (b.) Your father's income tax returns;
- (c.) Your father's medical or insurance records showing you as a beneficiary;
- (d.) Your school records;

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- (e.) Your father's work documents showing you as a beneficiary; or
 - (f.) Correspondence and/or notarized affidavits from witnesses who are knowledgeable about the relationship.
- (5) If the legalized alien is your stepparent, whether or not you were born in wedlock, you must provide evidence showing that you had not reached 18 years of age at the time of the marriage creating your status as a stepchild. Submit a copy of the front and back of your birth certificate showing the name of your natural parent to whom your stepparent is married. You must also provide a copy of the front and back of the marriage certificate that created the stepparent-stepchild relationship and evidence of termination of any previous marriages of your natural parent and stepparent.
- (6) If you are the adopted child of a legalized alien parent, submit a certified copy of the front and back of your adoption decree showing that you were adopted while under 16 years of age; a copy of the front and back of the legal custody decree (including any official stamps or seals on the document) if your custody was obtained before adoption; and a statement showing the dates and places where you and your adoptive parents have lived together.

NOTE: If you or your parent had a name change, you must submit the document authorizing the name change.

2. Requesting Initial Family Unity Benefits Under Section 1504 of Public Law 106-554, LIFE Act Amendments

Copies of following documents are evidence that the required relationship exists and that you may be eligible to file an initial application:

- A.** If the alien eligible for adjustment under the LIFE Act is your spouse, submit a copy of the front and back of a registered marriage certificate. If you or your spouse were married previously, submit a copy of a final divorce decree or death certificate.
- B.** If the alien eligible for adjustment under the LIFE Act is your parent, provide evidence of a valid parent-child relationship. This evidence can vary depending on the circumstances of your relationship:
 - (1) If your mother is the alien eligible for adjustment under the LIFE Act, submit a copy of the front and back of your birth certificate showing your mother's name.
 - (2) If you were born in wedlock and the alien eligible for adjustment under the LIFE Act is your natural father, submit a copy of the front and back of your birth certificate showing your father's name, your parents' marriage certificate, and proof of termination of any of their prior marriages.
 - (3) If you are the legitimated child of an alien who adjusted status under the LIFE Act or has a pending application for adjustment of status, submit a copy of the front and back of your birth certificate and evidence of your legitimation. Legitimation is established by the marriage certificate of your natural parents or by documents of legitimation issued by civil authorities. The legitimation must have occurred while you were unmarried and prior to your 18th birthday. You must also submit evidence of any legal termination of your parents' prior marriages if your legitimation resulted from your natural parents' marriage to each other.
 - (4) If you were born out of wedlock and the alien eligible for adjustment under the LIFE Act is your natural father, submit a copy of the front and back of your birth certificate showing your father's name. You must provide evidence showing that a valid parent-child relationship exists.

Such evidence may include but is not limited to:

- (a.) Money order receipts or canceled checks showing your father's financial support;
- (b.) Your father's income tax returns;
- (c.) Your father's medical or insurance records showing you as a beneficiary;
- (d.) Your school records; or
- (e.) Your father's work documents showing you as a beneficiary;

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- (5) If the alien eligible for adjustment under the LIFE Act is your stepparent, whether or not you were born in wedlock, provide evidence showing that you had not yet reached 18 years of age at the time of the marriage creating your status as a stepchild. Submit a copy of the front and back of your birth certificate showing the name of your natural parent to whom your stepparent is married. You must also provide a copy of the front and back of the marriage certificate that created the stepparent-stepchild relationship and evidence of termination of any previous marriages of your natural parent and stepparent.
 - (6) If you are the adopted child of an alien parent eligible for adjustment under the LIFE Act, submit a certified copy of the front and back of your adoption decree showing that you were adopted while under 16 years of age; a copy of the legal custody decree if your custody was obtained before adoption; and a statement showing the dates and places you and your adoptive parents have lived together.

NOTE: If you or your parent had a name change, you must submit the document authorizing the name change.

3. Secondary Evidence (For Applicants of Both Section 301 of IMMACT 90 and Section 1504 of Public Law 106-554, the LIFE Act Amendments)

Official documents must be issued by the civil registrar, vital statistics office, or other civil authority. If such documents are unavailable, you must file your application with evidence from those authorities establishing that the primary evidence is unavailable. You must then submit secondary evidence to establish the facts in question. Submit as many types of secondary evidence as possible to verify the claimed relationship. Any evidence submitted must contain enough information (for example, dates and names) to establish the event you are trying to prove. Listed below are examples of secondary evidence:

- A. **Baptismal certificate.** A certificate under the seal of the church or other religious entity where the baptism or similar rite took place. The certificate must have been issued within two months of the birth, show the date and place of the birth, date of the baptism, and names of the child's parents;
- B. **School record.** A letter from the school official charged with recording attendance. The letter must show the date of admission, the child's date of birth or age at the time of admission, and the place of birth of the parents, if shown in the record; or
- C. **Census record.** State or Federal census record showing the names and places of birth, and dates of birth or ages of the persons listed.

As noted above, if all forms of primary and secondary evidence are unavailable, you must file your application with evidence from those authorities stating that such evidence is not available. In such case, you may submit at least two affidavits sworn to or affirmed by persons who are not parties to the application who have direct personal knowledge of the events or circumstances. The persons making the affidavits do not have to be U.S. citizens.

Each affidavit must contain the full name, address, date and place of birth, and signature of the person attesting to the events. The affidavit must also explain the person's relationship to you, full information concerning the events, and complete details of how the person acquired the information.

4. Evidence of Continuous Residence Requirements for Family Unity Applicants Under Section 301 of IMMACT 90

You must submit at least three documents that prove residence in the United States since May 5, 1988, or December 1, 1988. Such evidence may include but is not limited to:

- A. Employment records, pay stubs, Form W-2s, Federal and/or state tax returns, letters from employers, or, if you are self-employed, letters from banks and other firms with which you have done business. Your name and the name of the employer or other interested organization must appear on the form or letter;
- B. Employment letters must be in affidavit form and must be signed by the employer under penalty of perjury. The letters must include dates of employment, your home address at the time of employment, and your duties with the company;

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- C. Hospital or medical records showing treatment or hospitalization of you or your children in the United States. The records must show the name of the medical facility or physician and the dates of the treatment or hospitalization;
 - D. Attestations by an official of a church, union, or other organization indicating your residence, dates of membership, and attendance. The statement must include the organization's seal and be on official letterhead stationery, if available;
 - E. Rent receipts, utility bills, or letters from companies showing the dates when you received service;
 - F. School records (for example, letters and report cards) from schools you or your children have attended in the United States that show the name of the school and periods of attendance; or
 - G. Any other relevant documents such as money order receipts, passport entries, insurance documents, birth certificates of children born in the United States, correspondence between you and another person or organization, automobile license receipts, deeds, mortgages, contracts to which you have been a party, insurance policies, etc.

5. Evidence Requirements for Family Unity Applicants Under Section 1504 of Public Law 106-554, the LIFE Act Amendments

You must submit documents that prove entry into the United States before December 1, 1988, and residence on that date. Such evidence may include but is not limited to:

- A. At least three documents that prove entry into the United States before December 1, 1988. For example: a photocopy of your Form I-94 Arrival-Departure Record; Form I-862, Notice to Appear; Form I-122, Notice to Applicant for Admission Detained for Hearing Before an Immigration Judge; Form I-221, Order to Show Cause; photocopies of other Department of Homeland Security (DHS) (including USCIS) documents, including any application or petition for benefits under the INA filed by you or on your behalf on or prior to December 1, 1988; or a fee receipt issued for such application or petition;
- B. Other government documentation issued by a Federal, state, or local authority, provided such documentation bears the signature, seal, or other authenticating authority; was dated at the time of issuance; and bears the date of issuance not later than November 30, 1988, when proving entry. For example: a state driver's license, a state identification card issued in lieu of a driver's license, a county or municipal hospital record, a public college or public school transcript, income tax records, property tax payment, private or religious school transcripts (the school having been registered with, or approved or licensed by appropriate state or local authorities, or having been accredited by the state or regional accrediting body, or by the appropriate private school association);
- C. Non-governmental documents that include actual dates. For example: employment records, pay stubs, employer letters, or if self-employed, letters from banks and other firms with which you have done business (your name and the name of the employer or interested organization must appear on the form or letter and must be in affidavit form, signed by the employer, under penalty of perjury, and must include dates of employment, home address at the time of employment, and duties with the company); hospital or medical records showing hospitalization or treatment showing the name of the medical facility or physician and dates of the treatment; and attestation by a church official, union, or other organization indicating your residence, dates of membership, and attendance, including the organization's seal and letterhead; or
- D. Other relevant documents, including but not limited to: rent receipts, credit card statements, utility bills, money orders, passport entries, insurance documents, birth certificate of child born in the United States, automobile license receipts, deeds, mortgages, and contracts to which you have been a party.

6. Request for Extension of Family Unity Benefits

The following documents are evidence that the required relationship existed on May 5, 1988 or December 1, 1988, and that you may be eligible to file an application for extension of Family Unity benefits:

- A. A copy of the front and back of the document issued by USCIS to your legalized alien spouse or parent (for example, Form I-551, Permanent Resident Card, or N-550, Certificate of Naturalization);

- B. If the legalized alien through whom Family Unity benefits were obtained is a lawful permanent resident or naturalized U.S. citizen, evidence that Form I-130, Petition for Alien Relative, was filed on your behalf;
NOTE: This evidence is only required if the relationship to the legalized alien still exists.
- C. Evidence that you were granted Family Unity benefits in the past;
- D. A list of all trips you made outside the United States since you were last granted Family Unity benefits. This statement must include the dates and reason for each absence. If you have not been outside the United States since your last Form I-817 was approved, provide a statement affirming this fact;
- E. A list of all your residences in the United States since your last Form I-817 was approved; and
- F. Fingerprints, if you were under 14 years of age when your last Form I-817 was approved, but are now 14 years of age or older, or if USCIS requests them, as part of the biometric services.

What Is the Filing Fee?

The filing fee for Form I-817 is **\$590**.

NOTE: The filing **fee** is not refundable, regardless of any action USCIS takes on this application. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Use the following guidelines when you prepare your **check** or **money order** for the **Form I-817 filing fee**:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**
2. Make the **check** or **money order** payable to **U.S. Department of Homeland Security**.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”

Notice to Those Making Payment by Check. If you send us a check, USCIS will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, **we may reject your application**.

How To Check If The Fees Are Correct

Form I-817 filing **fee** is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

1. Visit the USCIS website at www.uscis.gov, select “FORMS,” and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Where To File?

Please see our website at www.uscis.gov/I-817 or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this application. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: USCIS will reject an improperly filed application, and return the associated fee, with instructions to resubmit the entire filing using the current Instructions.

Address Change

An applicant who is not a U.S. citizen must notify 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 website 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**.

NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the Lockbox does not process change of address requests.

Processing Information

You must have a United States address to file this application.

Initial Processing. Once USCIS accepts your application we will check it for completeness. If you do not completely fill out this application, you will not establish a basis for your eligibility and USCIS may reject or deny your application.

Requests for More Information. We may request that you provide more information or evidence to support your application. We may also request that you provide the originals of any copies you submit. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your application. 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-817 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 Instructions

To ensure you are using the latest version of this application, visit the USCIS website 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 the USCIS Contact Center at **1-800-375-5283**. The USCIS Contact Center provides information in English and Spanish. 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 schedule an appointment online at www.uscis.gov. Select "Schedule an Appointment" and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-817, we will deny your Form I-817 and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this application, and the associated evidence, is collected under the Section 301 of the Immigration Act of 1990 (IMMACT 90) and Section 1504 of the Legal Immigration Family Equity Act Amendments (LIFE Act Amendments).

PURPOSE: The purpose of this application is to request initial benefits under the Family Unity Program or to request an extension of such benefits. DHS/USCIS will use the information you provide to grant or deny the benefit. USCIS requests the applicant to provide their Social Security Number (SSN) to facilitate and expedite the adjudication of the applicant's request. The SSN is used to establish and corroborate the applicant's identity to complete a sufficient background check.

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

ROUTINE USES: DHS may share the information you provide on this application 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 Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 2 hours, including the time for reviewing instructions, gathering the required documentation and information, completing the application, attaching necessary documentation, and submitting the application. The collection of biometrics is estimated to require 1 hour and 10 minutes. 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. 1615-0005. **Do not mail your completed Form I-817 to this address.**