

**SUPPORTING STATEMENT FOR
Affidavit of Support Under Section 213A of the Act
OMB Control No.: 1615-0075**

COLLECTION INSTRUMENT(S):

I-864, Affidavit of Support Under Section 213A of the Act; I-864A, Contract Between Sponsor and Household Member; I-864EZ, EZ Affidavit of Support under Section 213 of the Act

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Section 213A of the Immigration and Nationality Act (INA) (8 USC 1183a) requires most family-based and certain employment-based immigrants submit an Affidavit of Support Under Section 213A of the INA, Form I-864, (Affidavit of Support) executed by a sponsor, typically the petitioning relative, on their behalf. In general, the sponsor must demonstrate the means to maintain household income of at least 125 percent of the Federal poverty guidelines. The Affidavit of Support is a legally binding contract that may be enforced in Federal or State court, if the sponsored alien receives any means-tested public benefits while the Affidavit of Support is in effect. The information collection required on Form I-864 (or Form I-864EZ, if the applicant qualifies to use it) is necessary for adjudicators and consular officers to determine whether the individual executing the Affidavit of Support meets the definition of a sponsor, can demonstrate the means to maintain income at the required income threshold, and otherwise meets the requirements of section 213A of the INA (8 USC 1183a) . In addition, the execution of the Affidavit of Support creates a contract between the sponsor and the sponsored alien and any entity that provides means-tested public benefits to the sponsored alien. The execution of the Contract Between Sponsor and Household Member, Form I-864A, creates a similar contract that also includes the household member. The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) must maintain Forms I-864, I-864EZ, and I-864A in the event the support obligation must be enforced by civil action. In addition, Form I-864EZ was created to be a quicker and easier form for certain sponsors to comply with section 213A of the INA (8 USC 1183a) requirements, and much easier for adjudication purposes.

Section 213A(i) of the INA (8 USC 1183a(i)) Act requires that the U.S. social security number must be included on Form I-864 or Form I-864EZ. If the individual executing Form I-864 or Form I-864EZ does not have a U.S. social security number, he or she must obtain one before submitting Form I-864 or Form I-864EZ. If the individual does not provide this information, USCIS cannot accept Form I-864 or Form I-864EZ, and the intending immigrant may not able to immigrate to the United States or adjust status in the United States. The U.S. social security number may be used to verify, and if necessary, to

enforce, the sponsor's obligations under Form I-864 or Form I-864EZ.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Form I-864. USCIS uses the data collected on Form I-864 to determine whether the sponsor has the means to support the sponsored alien as set forth in section 213A of the INA (8 USC 1183a) and for administrative purposes that better ensure the sponsor will meet the support obligations as agreed to by execution of the Form I-864 (including, but not limited to, reimbursing public benefit agencies for means-tested public benefits received by the sponsored immigrant while the support obligation was in effect). This form standardizes evaluation of whether the individual executing the Affidavit of Support meets the definition of a sponsor, can demonstrate the means to maintain income at the required income threshold, and otherwise meets the requirements of section 213A of the INA (8 USC 1183a), and ensures that basic information required to assess eligibility is provided by sponsors.

Form I-864A. Form I-864A is a contract between the sponsor and the sponsor's household members. It is only used if the sponsor intends to use the income of his or her household members to reach the required 125 percent of the Federal poverty guidelines income threshold (or 100 percent when applicable). The contract holds these household members jointly and severally liable for the support of the sponsored immigrant(s) specified on the Form I-864A. USCIS uses the data collected on Form I-864A in conjunction with a Form I-864, to determine whether the sponsor can demonstrate the means to maintain income at the required income threshold under section 213A of the Immigration and Nationality Act, when the sponsor's income is combined with the household member(s)' income and for administrative purposes that better ensure the household member will meet the support obligations as agreed to by the household member in the Form I-864A (including, but not limited to, reimbursing public benefit agencies for means-tested public benefits received by the sponsored immigrant while the support obligation was still in effect). .

Form I-864EZ. USCIS uses Form I-864EZ in exactly the same way as Form I-864; however, USCIS collects less information from the sponsors as the Form I-864EZ is a shorter version of Form I-864, designed for execution by sponsors that meet certain criteria.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

Forms I-864, I-864A, I-864EZ are available electronically at

<https://www.uscis.gov/forms>. The forms can be completed online but must be printed, signed, and submitted via mail.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The information collected is not duplicated elsewhere and there is no other information available that can be used for this specific purpose.

- 5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

This collection of information does not impact small businesses or other small entities.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If the information is not collected, compliance with section 213A of the INA (8 USC 1183a) would not be met. Without Form I-864 and Form I-864EZ, USCIS will not be able to determine whether the individual executing the Form I-864 or Form I-864EZ meets the definition of a sponsor, can demonstrate the means to maintain income at the required income threshold, and otherwise meets the requirements of Section 213A of the INA. Without Form I-864A, which is the mechanism for a household member agreeing to be jointly and severally liable, the support obligation would not be enforceable against the sponsor's household members when the household member's income is used to assist the sponsor in meeting the required income threshold.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and**

reliable results that can be generalized to the universe of study;

- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

- 8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On October 15, 2019, USCIS published a 60-day notice in the Federal Register at 84 FR 55167. USCIS received five comments after publishing that notice. One comment contained personally identifiable information and did not address the information collection; this comment was not posted to www.regulations.gov. USCIS responses to the posted public comments are provided in the document titled "USCIS I-864 Public Comments Response Matrix."

On April 10, 2020, USCIS published a 30-day notice in the Federal Register at 85 FR 20292. USCIS did receive 152 comments. USCIS responses to the posted public comments are provided in the document titled "USCIS I-864 30-day Public Comment

Responses.”

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

USCIS does not provide any payment for benefit sought.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.**

There is no assurance of confidentiality.

This collection is covered under the following Privacy Impact Assessment:

- DHS/USCIS/Pia-016a Computer Linked Application Information Management System
- DHS/USCIS/PIA-056 Electronic Immigration System

The collection is covered under the following System of Records Notices:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System
- DHS/USCIS-007 Benefits Information System
- DHS/USCIS-018 Immigration Biometric and Background Check (IBBC) System

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature.

- 12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour**

burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

		A	B	C (=AxB)	D	E (=CxD)	F	(=ExF)
Type of Respondent	Form Name / Form Number	#. of Respondents	#. of Responses per Respondent	# of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate*	Total Annual Respondent Cost
Individuals or households	I-864	446,313	1	446,313	6.5	2,901,035	\$36.47	\$105,800,728
Individuals or households	I-864A	42,892	1	42,892	2.25	96,507	\$36.47	\$3,519,610
Individuals or households	I-864EZ	114,860	1	114,860	3	344,580	\$36.47	\$12,566,833
Total				604,065		3,342,122		\$121,887,171

* The above Average Hourly Wage Rate is the [May 2018 Bureau of Labor Statistics](#) average wage for All Occupations of \$24.98 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$36.47. The selection of "All Occupations" was chosen because respondents to this collection could be expected from any occupation.

Form I-864A, Contract Between Sponsor and Household Member, is an attachment to Form I-864 and must be filed with Form I-864 by some respondents. I-864A respondents are not included in the total number of respondents for this information collection because they are a subset of the number of I-864 respondents. Form I-864EZ is a shorter version of Form I-864 and is filed instead of Form I-864 by respondents who meet certain criteria.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition,**

expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government; or, (4) as part of customary and usual business or private practices.

It is estimated that the respondents of this collection of information will incur an average cost of \$245. This estimate includes costs associated with collection of information including postage, obtaining documents necessary for submission, notary fees, and attorney representation. Not all respondents will incur all expenses. USCIS estimates that the highest cost to a respondent would be \$980, while the average cost is estimated to be 25 percent of the high cost, or \$245. The total annual cost burden to respondents is the average cost (\$245) times the number of respondents (561,173), which equals \$137,487,385.

There are no fees associated with this collection of information.

14. **Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

Annualized Cost Analysis:

a.	Printing Cost	\$	9,525.00
b.	Collection and Processing Cost	\$	25,370,730.00
c.	Total Cost to Government	\$	25,380,255.00

Government Cost

The estimated cost to the Government is calculated by multiplying the estimated number of responses (604,065) x (1) hour (USCIS time required to collect and process information) x \$42 (suggested average hourly rate for clerical, officer, and supervisory time with benefits), which equals \$25,370,730. USCIS adds the estimated cost for printing, which is \$9,525, for a total cost to the government of **25,380,255**.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

USCIS has made substantive changes to Form I-864 and Form I-864EZ to include collection of bank account information from sponsors, information about previously submitted Affidavit of Supports, and optional submission of a credit report as evidence. Language throughout the forms was modified to ensure greater clarity regarding the sponsor's obligations, including the obligation to reimburse a Federal, State, or local agency or nongovernmental entity that may grant means-tested public benefits to the immigrant on whose behalf the sponsor filed the form. USCIS added additional language under the Sponsor's Certification section of the forms further outlining the sponsor's obligations and the consequences of submitting Form I-864 and Form I-864EZ.

USCIS also made substantive changes to Form I-864A to include collection of bank account information from household members and optional submission of a credit report as evidence. USCIS also added additional language under the Sponsor's Certification section, plus the Household Member's Contract, Statement, and Certification sections of the form further outlining the sponsor's and household member's obligations and the consequences of submitting Form I-864A. USCIS further added a separate interpreter and preparer section for the Sponsor on Form I-864A.

USCIS will now also require that Form I-864, Form I-864A, and Form I-864EZ be notarized prior to submission to the agency.

USCIS has made changes to the Instructions for Form I-864, Form I-864A, and Form I-864EZ adding language to more thoroughly explain the purpose of the forms, the sponsor's and household member's obligations as a result of the forms being accepted by USCIS as sufficient and the support obligations taking effect, and the consequences if the support obligations are not met. The requirements regarding which children immigrating based on adoption need to submit a Form I-864 executed on their behalf is now outlined in greater detail; which of these children can have a sponsor execute a Form I-864EZ on their behalf is also outlined in greater detail. USCIS also added a section to list and explain the eligibility requirements for being a sponsor. Language explaining the age limitations for spousal relationships involving a minor was added. Clarifications to the instructions for individual Item Numbers on the form were also made. Additionally, USCIS updated language in sections of the Instructions that are applicable across most USCIS forms and therefore worded the same way.

The full scope of changes to each form and its corresponding Instructions can be found in the Tables of Changes submitted as supporting documentation with this information collection request.

Data collection Activity/Instrument (in hours)	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New) [new minus current]	Difference
I-864				2,720,070	2,901,035	180,965
I-864A				377,650	96,507	(281,143)
I-864EZ				250,000	344,580	94,580
Total(s)				3,347,720	3,342,122	(5,599)

There is a decrease in the estimated annual hour burden to respondents for this information collection as a result of an adjustment to the agency’s estimated number of respondents. USCIS has increased the estimated hour burden per response for Forms I-864, I-864A, and I-864EZ due to the new questions and instructions language that were added with this revision action.

Data collection Activity/Instrument (in dollars)	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
I-864				\$111,069,525	\$109,346,685	(\$1,722,840)
I-864A				\$0	\$0	\$0
I-864EZ				\$24,500,000	\$28,140,700	\$3,640,700
Total(s)				\$135,569,525	\$137,487,385	\$1,917,860

There is an increase in the estimated annual cost burden to respondents for this information collection as a result of an adjustment to the agency’s estimated number of respondents.

- For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

This information collection will not be published for statistical purposes.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

USCIS will display the expiration date for OMB approval of this information collection.

- 18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submission,” of OMB 83-I.**

USCIS does not request an exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved with this collection.