

Project Title	I-864-005 REV
60/30 day (regulations.gov link)	60-day FRN -
FRN Citation (federalregister.gov link)	84 FR 55167 -
Publish Dates	10/15/2019 - 12/16/2019

Date Comment Posted	Date Comment Received	Regulations.gov Comment ID	Comment Number	Issue Number	Matrix ID Number	Commenter	Comment	Final Agency Response
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10/31/2019	10/30/2019	USCIS-2007-0029-0106	1	1	1.1	Anonymous	<p>The consent language on this form requires the sponsor to "authorize the Social Security Administration to release information about me in its records to USCIS and DOS." Isn't this exactly the type of consent SSA says it will not permit in SSA regulations at 400.100 "we will not honor a blanket consent for all information in a system of records or any other record consisting of a variety of data elements. We will disclose only the information you specify in the consent." The agency needs to come up with some more specific consent language if it is going to meet this requirement. And how are SSA, DHS and DOS going to share and use this information? The sponsor is giving DHS his or her SSN here, why would SSA need to disclose information to DHS and DOS? I ultimately support the idea of getting better information on this form about sponsors but this consent just asks too much for sponsors to want to participate in this process.</p>	<p>USCIS appreciates this comment. USCIS has revised the consent language in the Declaration and Certification parts of the forms to comply with applicable laws.</p>
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11/4/2019	11/2/2019	USCIS-2007-0029-0107	2	1	2.1	Xuan Luo	<p>The proposed I-864 and I-864EZ forms will no longer have an item where the sponsor's household size is calculated (like Part 5 item 8 on the current I-864, or Part 4 item 1.f on the current I-864EZ). This will make it confusing for the sponsor to determine whether their household income meets the 125% of poverty level requirement for their household size.</p> <p>It appears that to calculate the household size on the proposed I-864, one must add all the items in Part 5 (titled "Sponsor's Household Size") as well as Part 6 (titled "Previously Submitted Affidavits of Support"), or, on the proposed I-864EZ, one must add all the items in Part 4 (titled "Information About Your Household Size") as well as Part 5 (titled "Previously Submitted Affidavits of Support"). This is very counter-intuitive, as one would normally think that all the items that go into the household size would be listed in the section with "Household Size" in</p>	<p>USCIS appreciates this comment. USCIS is revising these forms and instructions to add back in the deleted items in this section so the sponsor can easily calculate household size.</p>
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							the name. I think you should keep an item where the sponsor's total household size is calculated somewhere on the I-864 and I-864EZ forms, to make it clear for sponsor what household size will be used to determine whether their household income meets 125% of poverty level.	
11/22/2019	11/21/2019	USCIS-2007-0029-0108	3	1	3.1	Anonymous	Needs to be more stringent and "loop holes" closed. ie: "entire" household above 125% poverty level. Who is auditing this and punishment for NOT complying? Deportation?	USCIS appreciates this comment. USCIS is revising these forms and instructions to better inform sponsors and household members about their obligations under INA 213A. INA 213A lists the requirements for sponsorship and the penalties for non-compliance. No specific changes were suggested. No changes will be made in response to this comment.
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	0	4.0	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	On behalf of the Catholic Legal Immigration Network, Inc. we submit the attached comments in response to the U.S. Citizenship and Immigration Services' proposed changes to	

							Forms I-864, I-864A, and I-864EZ and the respective Instructions to Form I-864 and I-864EZ. See attached file(s)	
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	1	4.1	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>1. Information about You (Sponsor) Page 3, Part 4, Items #15.a – 15.f</p> <p>Discussion: The form asks questions regarding the sponsor's bank account, including account holder's name, names of all joint account holders, institution name, account number, and routing number. There is no legal authority for USCIS to be gathering this private information. It is not necessary or even relevant in order to verify the sponsor's income, which is done through submission of employer's letters, wage statements, and past year's tax returns. Most sponsors would interpret these questions as an invasion of privacy and find them very intimidating. The foreseeable likely effect is to discourage sponsors and joint sponsors from executing Form I-864. If it is to obtain proof of the sponsor's</p>	USCIS appreciates this comment. Bank account information will be used to evaluate that sponsors and household members can meet their support obligations under INA 213A, and sponsors have demonstrated the means to maintain income as required by INA 213A(f)(6). No changes will be made in response to this comment.

						<p>income, then it serves no purpose other than to violate sponsor's privacy. The only appropriate time to collect this information is if the sponsor is using assets, specifically money in a bank account, in order to satisfy the 125 percent of poverty requirement. If that is the case, then the form and instructions already require the sponsor to include evidence of these assets through bank statements. Otherwise, this information is not relevant and should not be required of all sponsors.</p> <p>Recommendation: Delete questions #15a-f, which have never been included on Form I-864 during the last 22 years and serve no legitimate purpose.</p>	
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12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	2	4.2	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>2. Previously Submitted Affidavits of Support Page 4, Part 6, Items #1-3</p> <p>Discussion: The form changes the current question #6 on Part 5. Sponsor’s Household Size, which now reads: “If you have sponsored any other persons on Form I-864 or Form I-864EZ who are now lawful permanent residents, enter the number here.” (emphasis added). The proposed question #1 reads: “Have you submitted Form I-864 or Form I-864EZ for any individuals other than those named on this form?” By deleting the critical phrase “who are now lawful permanent residents,” the agency is requiring the sponsor to include in the household size any person for whom the sponsor “submitted” an I864 or I-864EZ. This would include persons for whom the sponsor submitted an I-864 and subsequently withdrew it or persons for whom the sponsor submitted an I-864 and who was subsequently denied lawful permanent resident</p>	<p>USCIS appreciates this comment. USCIS will revise the form and corresponding instructions to clarify that sponsors must provide information for all Forms I-864 or Forms I-864EZ for individuals submitted, but with the note that only those Form I-864/Form I-864EZs for whom a sponsorship obligation is still in effect will be counted toward household size.</p>
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						<p>(LPR) status. In addition, proposed question #3 asks for the name “of each individual for whom you previously submitted Form I-864 or Form I864EZ” without limiting it to those who obtained LPR status. The Instructions further clarify that the sponsor is required to “enter the total number of individuals for whom you have submitted a Form I-864 or Form I-864EZ in the past, even if the form has not yet been adjudicated or the individual you sponsored did not become a Lawful Permanent Resident.”</p> <p>According to the proposed form, the sponsor would “not need to include any individual for whom [the] sponsorship has ended,” but would need to provide information regarding individuals for whom the sponsorship never began. Even the Instructions advise the sponsor that: “You may withdraw your affidavit of support at any time until a decision is issued on the applicant’s application for an immigrant visa or</p>	
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						<p>adjustment of status.” Nevertheless, the sponsor would have to include the number of withdrawn affidavits of support when completing future Forms I-864 and the household size would be increased by that number. The proposed form change would result in the computation of household size that violates the regulation. That regulation, at 8 CFR § 213a.1 (definition of household size), requires the sponsor to count as part of the household size “the number of aliens the sponsor has sponsored under any other affidavit of support for whom the sponsor’s support obligation has not terminated.” To “sponsor” an alien is to execute an affidavit of support and have that person obtain LPR status based on that affidavit of support. Signing the I-864 or I-864EZ does qualify as “sponsoring” someone. The sponsor’s or household member’s contractual obligations under the affidavit of support do not begin until</p>	
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and unless the intending immigrant obtains LPR status. It is not binding upon execution and submission. Therefore, the sponsor may withdraw the affidavit at any point up to the time the intending immigrant is granted LPR status based on the submission of the affidavit of support. 8 CFR §§ 213a.2(e), (f). See also 8 CFR § 213a.1 (definition of sponsored immigrant), “sponsored immigrant means any alien who was an intending immigrant, once that person has been lawfully admitted for permanent residence, so that the affidavit of support filed for that person under this part has entered into force.”

Recommendation: Restore the phrase “who are now lawful permanent residents” after the words “Have you submitted Form I-864 or Form I-864EZ for any individual” and strike the words “other than those named on this form” in Question #1. Insert “who are now lawful permanent residents” after

								<p>the words “for whom you previously submitted Form I-864 or Form I-864EZ” in Question #2. Insert “who are now lawful permanent residents” after the words “for whom you previously submitted Form I-864 or Form I-864EZ” in Question #3.</p>	
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12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	3	4.3	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>3. Sponsor’s Employment and Income Page 6, Part 7, Item #26 Discussion: The question asks “Credit Report Information (Optional)...I have attached a copy of a recent credit report.” Credit reports are notoriously inaccurate for measuring someone’s credit history and should play no part in determining if the sponsor’s income is at or above the required federal poverty income level for the household size. Credit reports were recently analyzed by a federal district court judge, who concluded: Similarly, it is unclear how the credit score of a new immigrant—who, for example, may have only recently opened her first credit account and therefore has a short credit history, which would negatively impact her credit score—is indicative of her likelihood to receive 12 months of public benefits. Make the Road, et al. vs. Cuccinelli, No. 19 Civ. 7993 (S.D.N.Y. 2019), slip op. at p. 17. The addition of credit reports</p>	<p>USCIS appreciates this comment. Credit reports will be used to help USCIS evaluate if a sponsor has demonstrated the means to maintain income as required by INA 213A and whether the sponsor or household member will be able to meet his or her support obligation during the period of enforceability. This use of the credit report is for determining the sufficiency of the Affidavit of Support Under Section 213A of the INA, not for purposes of determining public charge inadmissibility as set forth in the public charge inadmissibility rule. Therefore this change is unrelated to the changes proposed in the public charge inadmissibility rule. No changes will be made in response to this comment.</p>
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							<p>and credit history were proposed by DHS in its regulation amending the definition of public charge, 83 Fed. Reg. 51,114 (Oct. 10,2018), and in its final regulation, 84 Fed. Reg. 41,292 (Aug. 14, 2019). The proposed and final regulation also authorized USCIS to evaluate the “likelihood that the sponsor would actually provide the statutorily-required amount of financial support to the alien, and any other related considerations.” The agency believed it lacked the authority to weigh the sponsor’s credit worthiness absent this regulatory change. Five district courts have enjoined DHS from implementing those changes. 1 Yet, USCIS is acting as if the final regulation went into effect. Requesting that the sponsor supply a credit report—even on an optional basis and under the assumption that the agency is authorized to investigate the sponsor’s credit worthiness—would be a violation of the</p>	
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							injunction and would invite a motion for contempt. Recommendation: Delete Question #26.	
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	4	4.4	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>4. Sponsor's Contract, Statement, Contract Information, Certification, and Signature Page 7, Part 9</p> <p>Discussion: In response to the question "What If I Do Not Fulfill My Obligations?," the agency proposes to add the following sentence: "If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future." There is no legal basis for this statement. The statute sets forth the requirements for being a</p>	<p>USCIS appreciates this comment. Under INA 213A(a)(1), a sponsor must agree to provide support to maintain the sponsored alien at a certain income and must demonstrate the means to maintain income as required under INA 213A(f)(6). Failure to reimburse means-tested public benefits and live up to a support obligation could be indicative of the inability to maintain income at the minimum threshold level and/or carry out support obligations during the period of enforceability. And this certification puts the sponsor on notice that USCIS may consider this when evaluating the sponsor's ability to meet the requirements of INA 213A in the future. This is also consistent with the Presidential Memorandum's goal to better enforce sponsorship obligation. No changes will be made based on this comment.</p>

sponsor or joint sponsor. INA § 213A(f)(1)(A)– (D). The regulations further define the requirements for being a sponsor. 8 CFR §§ 213a.2(c)(1)(i)(A), (B), and (C)(1). In neither the statute nor regulations is it written that prior reimbursement of means-tested benefits received by a sponsored immigrant is a requirement for being a sponsor. If the agency would like to change the respective regulations to this effect, it should follow the procedures set forth in the Administrative Procedure Act. USCIS' proposed form changes would affect substantive and fundamental eligibility requirements and would create a profound change in access to LPR status. Accordingly, any proposed changes that would effectively change the current definition set forth in the regulations should go through notice and comment rulemaking under the Administrative Procedure Act as opposed to information collection.²

Recommendation: Strike the words "If you fail to

							reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future.”	
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	5	4.5	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>5. Sponsor’s Certification Page 9, Part 9 Discussion: In the paragraph numbered M, the agency proposes adding the following: “I acknowledge that if I fail to meet the obligations of sponsorship, I may become ineligible to sponsor anyone in the future.” This acknowledgment follows from the above new eligibility requirement for being a sponsor. Since it has no basis in the statute or regulation, the requirement for such an acknowledgment is also ultra vires.</p> <p>Recommendation: Strike</p>	Please see the response to Matrix ID Number 4.4.

							the words "M. I acknowledge that if I fail to meet the obligations of sponsorship, I may become ineligible to sponsor anyone in the future."	
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12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	6	4.6	<p>Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.</p>	<p>6. Sponsor's Signature Page 9, Part 9 Discussion: The agency is proposing to require all sponsors and joint sponsors to sign the form before a notary public in order for the form to be properly executed. In 1976, Congress enacted 28 USC § 1746 for the purpose of allowing the use of declarations signed under the penalties of perjury in lieu of affidavits in all federal proceedings and all federal forms except those listed in the statute. Carter v. Clark, 616 F.2d 228 (5th Cir. 1980), citing H.R. Rep. No. 94-1616, 94th Cong., 2 nd Sess. 1, reprinted in 1976 U.S. Code Cong. Ad. News, 5644, 5645. That law reads as follows: Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing</p>	<p>USCIS appreciates this comment. The Affidavit of Support Under Section 213A of the INA is a unique contract between a sponsor and the Federal Government, and the Contract Between Sponsor and Household Member has a related support obligation. A notarized signature will better ensure that the person executing the Affidavit of Support Under Section 213A of the INA, or signing the Contract Between Sponsor and Household Member is actually the sponsor or household member agreeing to the support obligation. For sponsors or household members executing Form I-864A abroad, there are notarial services at U.S. embassies and consulates. The Department of State website has more information on notarial services - https://travel.state.gov/content/travel/en/records-and-authentications/authenticate-your-document/Notarial-Authentication-Services-Consular.html.</p> <p>In addition, since this requirement helps ensure that the individual signing the Form I-864, I-864EZ, or Form I-864A is the actual sponsor or household member that intends to undertake the support obligation. it benefits both USCIS in protecting the integrity of the immigration system and individuals that may not wish to assume the significant financial responsibility of sponsorship. No changes will be made based on this comment.</p>
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						<p>of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form: ... If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)." In other words, federal law allows the sponsor to execute Form I-864 by declaring under penalty of perjury that the information provided is true and correct rather than requiring a signature before a notary.</p> <p>The first Form I-864,</p>	
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						<p>Affidavit of Support Under Section 213A of the Act (10/06/97), required that the sponsor execute the form before a notary public. The authority for this was 8 CFR § 213a.2(a)(1) (“An affidavit of support is executed when a sponsor signs a Form I-864 before a notary public...”). The agency subsequently amended 8 CFR § 213a.2(a)(1) to delete any reference to the affidavit of support needing to be signed before a notary public when it published the final regulation. See 71 Fed. Reg. 35739 (June 21, 2006). It explained this change as follows: The Service also revised Form I-864 so that the sponsor now signs the Form “under penalty of perjury under the laws of the United States,” thus making it unnecessary to sign or acknowledge the Form I-864 before an officer authorized to administer oaths or take acknowledgements...Under 28 U.S.C 1746, however, signing before a notary is not necessary. In other</p>	
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							<p>words, the Service is attempting—through the routine amendment of a form—to reinstate an oath requirement previously authorized 23 years ago through an interim regulation that it expressly eliminated 13 years ago through the promulgation of a final regulation written to comply with a federal statute. As stated above, such attempts to make regulatory change through form change are improper and inconsistent with Administrative Procedure Act requirements. Finally, at least the interim regulation and 1999 version of the Form I-864 allowed for the signing of the affidavit of support before “a notary public or an Immigration or Consular Officer.” Eight CFR § 213a.2(a)(1)(1997). The addition of the last two options allowed for the execution of the affidavit of support by sponsors who were temporarily residing or domiciled abroad. Notary publics are only available within the United States. If such sponsors had not</p>	
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						<p>been able to sign the affidavit of support at an overseas Immigration office or U.S. consulate, they would have been forced to return to the United States to execute the document. Yet the current form and Instructions—which provisions the Service is not proposing to change—allow for the submission of the affidavit of support by sponsors who are domiciled abroad and who intend to reestablish domicile with the intending immigrant. See Instructions for the Affidavit of Support, page 11, Item Number 5, Country of Domicile, where the sponsor is instructed to submit proof of concrete steps to establish domicile with the intending immigrant after that person enters as an LPR. The proposed change to Form I-864 would require the sponsor in those situations to return to the United States and sign the form before a notary public, thus gutting much of the purpose of allowing the sponsor to</p>	
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							<p>remain abroad during this consular processing stage. In other words, the proposed change to the form still allows sponsors domiciled abroad to qualify and execute the form provided they make a special trip back to the United States for the sole purpose of signing it in front of a notary public.</p> <p>Recommendation: Eliminate the notary's jurat block and strike all language requiring the signature to be subscribed and sworn before a notary.</p>	
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12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	7	4.7	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>1. General Instructions Page 7, Signature Discussion: The form contains the statement: "Form I-864 must be notarized by a notary public. Each affidavit must be properly signed before a notary public." Please see comments above pointing out that such a requirement violates federal law. Recommendation: Eliminate the notary's jurat block and strike all language requiring the signature to be subscribed and sworn before a notary.</p>	Please see the response to Matrix ID Number 4.6.
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	8	4.8	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>2. Part 4, Information About You (Sponsor) Page 12, Items #15.a - 15.f Discussion: The proposed form would add language concerning the sponsor's checking or saving account. For the reasons set forth above, this information should not be required. Recommendation: Strike this paragraph.</p>	Please see the response to Matrix ID Number 4.1.

12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	9	4.9	<p>Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.</p> <p>3. Part 6 Previously Submitted Affidavits of Support Page 8, Part 6, Items #8-12 Discussion: The Instructions explain how the sponsor is to enter the number of all previously submitted affidavits of support regardless of whether the person on whose behalf the I-864 obtained LPR status. The Instructions state that the sponsor is required to “enter the total number of individuals for whom you have submitted a Form I-864 or Form I-864EZ in the past, even if the form has not yet been adjudicated or the individual you sponsored did not become a Lawful Permanent Resident.” For the reasons stated above, this would result in overcounting and an inaccurate household size. It would also be in direct conflict with the regulations. Recommendation: Delete all references to previously submitted affidavits of support that did not result in the sponsored immigrant becoming an LPR.</p>	Please see the response to Matrix ID Number 4.2.
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12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	10	4.10	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>4. Federal Income Tax Return Information Page 14, Item #23.a – 25. Federal Income Tax Return Information Discussion: The second sentence in the fourth paragraph in this section states: “A copy of the FormW-2 and Form 1099 must be submitted, even if the joint tax filer does not submit Form I864A and his or her income will not be used to help meet the sponsor’s income requirements.” CLINIC questions the need for the joint tax filer, whose income is not being used, to include his or her W-2. The sponsor must estimate his or her “current individual annual income” for the year the I-864 is being submitted. In addition, the sponsor must submit last year’s income tax return. CLINIC does not understand why a joint tax filer, whose income is not being used, must include his or her W-2. Recommendation: Strike the sentence: “A copy of the Form W-2 and Form 1099 must be submitted, even if the joint tax filer</p>	<p>USCIS appreciates the comment. In general, a joint filer’s income cannot be used to meet the sponsor’s income threshold unless the joint filer files a Form I-864A. Therefore, the joint tax filer’s information is needed to determine whether the sponsor can meet the income threshold by him or herself or needs the joint filer to file Form I-864A as a household member, or otherwise needs a joint sponsor. No changes will be made based on this comment.</p>
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							does not submit Form I-864A and his or her income will not be used to help meet the sponsor's income requirements."	
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	11	4.11	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>5. Federal Income Tax Return Information Page 15, Part 7, Item #26, Credit Report (Optional) Discussion: In this paragraph it states "You may provide a recent U.S. credit report if you believe doing so may help you establish your ability to maintain sufficient income" For the reasons stated above, this paragraph violates the current regulations, which do not require that the sponsor establish credit worthiness. Federal courts have already spoken to this issue.</p> <p>Recommendation: Strike the language in proposed Item #26.</p>	Please see the response to Matrix ID Number 4.3.

12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	12	4.12	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>6. Sponsor’s Contract, Statement, Contact Information, Certification, and Signature Page 16, Part 9 Discussion: This paragraph includes the following language: “Form I-864 must be notarized by a notary public. Read the contract carefully, then sign and date the affidavit before a notary public.” For the reasons stated above, the USCIS cannot require that the form be notarized. Recommendation: Strike the language in this paragraph referencing signature before a notary public.</p>	Please see the response to Matrix ID Number 4.6.
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	13	4.13	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>1. Information About You (the Household Member) Page 2, Part 1, Items #9.a – 9.f. Discussion: The proposed form would add language concerning the household member’s checking or saving account. For the reasons set forth above regarding the same questions on the I-864, this information should not be required. Recommendation: Strike paragraph #9.a – 9.f.</p>	Please see the response to Matrix ID Number 4.1.

12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	14	4.14	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>2. Your (the Household Member's) Employment and Income Page 2, Credit Report Information (Optional), #10</p> <p>Discussion: This question has a box where the household member indicates whether he or she has attached a copy of a recent U.S. credit report. For the reasons stated above regarding this same question on the I-864, this paragraph violates the current regulations, which do not require that the household member establish credit worthiness. Federal courts have already spoken to this issue.</p> <p>Recommendation: Strike the language in proposed Item #10.</p>	Please see the response to Matrix ID Number 4.3.
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	15	4.15	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>3. Part 4, Sponsor's Contract, Statement, Contact Information, Certification, and Signature Page 4, Sponsor's Signature, Item #31.a – 31.b</p> <p>Discussion: This section requires that the sponsor sign the I-864A before a notary public. For the</p>	Please see the response to Matrix ID Number 4.6.

							<p>reasons stated above regarding the same language on the I-864, the USCIS cannot require that the form be notarized.</p> <p>Recommendation: Eliminate the notary's jurat block and strike the language in this paragraph requiring signature before a notary public.</p>	
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	16	4.16	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>4. Part 8, Your (the Household Member's) Contract, Statement, Contact Information, Certification, and Signature</p> <p>Page 9, Your (the Household Member's) Signature, Item #6.a – 6.c</p> <p>Discussion: This section requires that the household member sign the I-864A before a notary public. For the reasons stated above regarding the same language on the I-864, the USCIS cannot require that the form be notarized.</p> <p>Recommendation: Eliminate the notary's jurat block and strike the language in this paragraph requiring signature before a notary public</p>	Please see the response to Matrix ID Number 4.6.

12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	17	4.17	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>1. General Instructions Page 2, Signature Discussion: The proposed language is: "Form I-864A must be notarized before a notary public." For the reasons stated above regarding the same language on the I-864 and Instructions, the USCIS cannot require that the form be notarized. Recommendation: Eliminate this sentence requiring signature before a notary public.</p>	Please see the response to Matrix ID Number 4.6.
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	18	4.18	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>2. Specific Instructions Page 3, Items #9.a – 9.f. Household Member's Bank Account Information Discussion: The Instructions would add language concerning the household member's checking or saving account. For the reasons set forth above regarding the same questions on the I-864, this information should not be required. Recommendation: Strike paragraph #9.a – 9.f.</p>	Please see the response to Matrix ID Number 4.1.

12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	19	4.19	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>3. Specific Instructions; Most Recent Tax Year Total income Page 5, Item #10. Credit Report</p> <p>Discussion: This proposed language concerns an optional copy of a recent U.S. credit report and states “You may provide a recent U.S. credit report if you believe doing so may help you to establish your ability to maintain sufficient income.” For the reasons stated above regarding this same question on the I-864, this paragraph violates the current regulations, which do not require that the household member establish credit worthiness. Federal courts have already spoken to this issue.</p> <p>Recommendation: Strike the language in proposed Item #10.</p>	Please see the response to Matrix ID Number 4.3.
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	20	4.20	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>4. Specific Instructions; Your (the Household Member’s) Contract, Statement, Contact Information, Certification, and Signature Page 5, Part 8, Items # 1.a – 6.c</p> <p>Discussion: The proposed</p>	Please see the response to Matrix ID Number 4.6.

						language includes the clause “then sign and date the contract before a notary public.” For the reasons stated above regarding the same language on the I-864 Instructions, the USCIS cannot require that the form be notarized. Recommendation: Eliminate this clause requiring signature before a notary public.	
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	21	4.21	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc. 5. Address Change and Penalties Page 7, Address Change Discussion: In the first paragraph, it states “A sponsor who is not a U.S. citizen must inform USCIS of his or her new address within 10 days of moving...” It goes on to state that the person must complete a Form I-865. The I-864A is used by household members, not sponsors. This requirement is limited to sponsors and is stated plainly in the statutory and regulatory provisions cited in this section: 8 USC § 1183a(d) and 8 CFR § 213a.3. Household members are very distinct from sponsors in terms of the eligibility	USCIS made edits to the I-864A instructions to clarify that only sponsors currently need to fill out Form I-865.

							and liability requirements. They are not subject to address change reporting requirements. Recommendation: Strike all language pertaining to change of address requirements and penalties.	
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	22	4.22	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	1. Sponsor's Bank Account Information Page 2, Part 3, Items #16.a – 16.f Discussion: CLINIC objects to the insertion of questions requiring the sponsor to supply his or her bank account information for the reasons stated above in reference to the I-864 and I-864A. Recommendation: Delete this section and questions #16.a – 16.f	Please see the response to Matrix ID Number 4.1.
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	23	4.23	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	2. Previously Submitted Affidavits of Support Page 3, Part 5, Items #1 – 3 Discussion: CLINIC objects to the requirement that the sponsor must count all persons for whom he or she has ever submitted an I-864 or I-864EZ without limiting it to those who obtained LPR status on the	Please see the response to Matrix ID Number 4.2.

							<p>basis of this submission, for the reasons stated above.</p> <p>Recommendation: Insert the phrase “who are now lawful permanent residents” after the word “individuals” in question #1 and delete the words “other than those named on this form.”</p>	
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	24	4.24	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>3. Information About Your Employment Page 4, Part 6, Item #7 Discussion: CLINIC objects to the insertion of a question asking for the sponsor to submit a recent U.S. credit report for the reasons stated above in reference to the I-864 and I-864A. Recommendation: Delete this question.</p>	Please see the response to Matrix ID Number 4.3.
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	25	4.25	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>4. Sponsor’s Contract, Statement, Contact Information, Certification, and Signature Page 4, Part 7, What If I Do Not Fulfill My Obligations? Discussion: CLINIC objects, for the reasons stated above in reference to the I-864, to the insertion of the sentence: “If you fail to reimburse the benefit granting agency, you may</p>	Please see the response to Matrix ID Number 4.4.

							become ineligible to sponsor anyone in the future.” Recommendation: Delete this sentence.	
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	26	4.26	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	5. Sponsor’s Contract, Statement, Contact Information, Certification, and Signature Page 6, Part 7, Sponsor’s Signature Discussion: CLINIC objects, for the reasons stated above in reference to the I-864 and I-864A, to the requirement that the sponsor must sign the I-864EZ before a notary public. Recommendation: Delete this notary public’s jurat block.	Please see the response to Matrix ID Number 4.6.
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	27	4.27	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	1. General Instructions Page 4, Signature and page 10, Sponsor’s Contract, Statement, Contact Information, Certification, and Signature Discussion: CLINIC objects, for the reasons stated above in reference to the I-864 and I-864A, to the requirement that the sponsor must sign the I-864EZ before a notary public.	Please see the response to Matrix ID Number 4.6.

								Recommendation: Delete this requirement.	
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	28	4.28	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>2. Information About You (Sponsor) Page 8, Part 3, Item #16.a. – 16.d Discussion: CLINIC objects to the insertion of questions requiring the sponsor to supply his or her bank account information for the reasons stated above in reference to the I-864 and I-864A. Recommendation: Delete this section and questions #16.a – 16.d</p>	Please see the response to Matrix ID Number 4.1.	
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	29	4.29	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>3. Previously Submitted Affidavits of Support Page 8, Part 5, Item #1 – 3 Discussion: CLINIC objects to the requirement that the sponsor must count all persons for whom he or she has ever submitted an I-864 or I-864EZ without limiting it to those who obtained LPR status on the basis of this submission for the reasons stated above. Recommendation: Insert the phrase “who are now lawful permanent</p>	Please see the response to Matrix ID Number 4.2.	

							residents” after the word “individuals” in question #1 and delete the words “other than those named on this form.”	
12/4/2019	12/3/2019	USCIS-2007-0029-0109	4	30	4.30	Jill Marie Bussey on behalf of the Catholic Legal Immigration Network, Inc.	<p>4. Information About Your Employment and Income Page 4, Part 6, Item #7 Discussion: CLINIC objects to the insertion of a question asking for the sponsor to submit a recent U.S. credit report for the reasons stated above in reference to the I-864 and I-864A.</p> <p>Recommendation: Delete this item.</p>	Please see the response to Matrix ID Number 4.3.
12/17/2019	12/16/2019	USCIS-2007-0029-0110	5	0	5.0	Diane Rish, The American Immigration Lawyers Association (AILA)	The American Immigration Lawyers Association (AILA) respectfully submits the following comments in response to the above-referenced 60-day notice and request for comments on proposed revisions to Forms I-864, I-864A, and I-864EZ, and their accompanying instructions, published in the Federal Register on October 15, 2019.	

12/17/2019	12/16/2019	USCIS-2007-0029-0111	5	1	5.1	Diane Rish, The American Immigration Lawyers Association (AILA)	<p>A. Expanded Certification Section</p> <p>All three revised forms (Forms I-864, I-864EZ and I-864A) include an extensively expanded certification section that requires, among other things, that the sponsor implicitly agree that the completed Affidavit of Support may be made available to any Federal, State or local agency that may receive an application from the intending immigrant(s) named in the Affidavit of Support for Supplemental Nutrition Assistance Program (SNAP) benefits, Medicaid, (other than Emergency Medicaid), Supplemental Security Income, Temporary Assistance to Needy Families, or other means-tested benefits. Since this form includes extensive personal identifying information (PII), as well as comprehensive financial information, this blanket agreement seems contrary to best practices with respect to the protection of private information.</p>	Please see the response to Matrix ID Number 1.1
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						<p>Moreover, USCIS does not provide sufficient rationale for such a blanket authorization.</p> <p>The sponsor certification on Form I-864 and Form I-864EZ also includes a 45-day deadline in which the sponsor must respond to a request for reimbursement from a public benefit-granting agency or an appropriate government entity because the intending immigrant received a means-tested benefit. Failure to respond within 45 days may result in legal action brought against the sponsor. While a sponsor clearly has a legal obligation to provide financial support and ensure the beneficiary does not become a public charge, it is unclear where this 45-day deadline is found in statutory law.</p>	
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12/17/2019	12/16/2019	USCIS-2007-0029-0112	5	2	5.2	Diane Rish, The American Immigration Lawyers Association (AILA)	<p>B. Requirement that Forms be Notarized by a Notary Public</p> <p>Currently, all three forms (Form I-864, I-864EZ, and I-864A) require that the sponsor/household member certify the form under penalty of perjury. USCIS is now proposing to add a requirement that all three forms (Forms I-864, I-864EZ and I-864A) must be signed by the sponsor/household member in front of a notary public. The requirement to have the form signed in front of a notary public adds undue burden on sponsors/household members. Furthermore, it is inconsistent with current and past practices of USCIS related to Affidavit of Support forms and other forms which require signatures by USCIS.</p> <p>First, this requirement appears inconsistent with 28 USC § 1746, 8 CFR § 213a.2(a)(ii), and the February 15, 2018 USCIS Policy Memo (PM-602-0134.1) entitled</p>	Please see the response to Matrix ID Number 4.6.
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“Signatures on Paper Applications, Petitions, Requests, and Other Documents Filed with U. S. Citizenship and Immigration Services.”

28 USC § 1746 broadly allows for signature under penalty of perjury for federal compliance with any law, rule, regulation, order, or requirement made pursuant to law. Thus, an unsworn declaration is of the same force and effect as a sworn affidavit in federal court. In pertinent part, 18 USC § 1621, which governs liability for perjury under federal law, mandates that: "Whoever in any declaration under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true is guilty of perjury."

USCIS permits, for example, Freedom of Information Act (FOIA) requests submitted on Form G-639 to either be signed under penalty of

						<p>perjury or notarized as equivalent certification. Most other forms only require a signature attesting to the information in the form in compliance with 28 USC § 1746.</p> <p>Second, AILA is concerned that requiring notarization by a notary public will place a significant burden on sponsors/household members, especially those located overseas. In particular, this requirement may impose extra costs, travel burdens, and logistical challenges on the sponsor/household member to prepare these forms. For signers of these forms based overseas, the forms and instructions are unclear regarding whether or not a foreign notary is permitted and whether the signer must have the form notarized at a U.S. consulate or embassy abroad.</p>	
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12/17/2019	12/16/2019	USCIS-2007-0029-0113	5	3	5.3	<p data-bbox="974 1198 1113 1421">Diane Rish, The American Immigration Lawyers Association (AILA)</p> <p data-bbox="1136 196 1436 253">C. Bank Account Information</p> <p data-bbox="1136 293 1436 997">All three revised forms (Forms I-864, I-864EZ and I-864A) propose to add a requirement that sponsors and household members provide their banking information, including bank account type, as well as bank account number and routing number. While it is reasonable to require confirmation of assets from sponsors who attempt to qualify through assets (i.e., as opposed to qualifying through income), confirmation of assets has historically been provided through evidence of assets without disclosing actual banking details.</p> <p data-bbox="1136 1037 1436 1421">AILA is concerned that, in today's environment where cybercrime and identity theft are becoming more rampant, requiring sponsors and household members to provide such detailed bank account information exposes them to a heightened risk of becoming an identity crime victim. It is unclear how</p>	Please see the response to Matrix ID Number 4.1.
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							<p>the government intends to utilize this information or why it is required. It also raises serious privacy concerns. Specifically, AILA takes issue with requiring sponsors to provide this information on a form that is filed electronically or converted to digital fields, particularly where there is no justification for such a stringent requirement if a sponsor meets the income or asset threshold.</p>	
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