

**Project Title:** I-864-005 REV

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**Publish Dates:** 4/10/20 – 5/11/20

| Matrix ID Number | Commenter      | Comment  | Draft Response/ Comments   |
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| 1.1              | David Isaacson | <p>I write to comment regarding OMB Control Number 1615-0075, agency name/Docket ID USCIS- 2007-0029.</p> <p>The proposed requirement that an I-864, I-864EZ or I-864A be notarized by a notary public would be in violation of federal statute, specifically section 1746 of Title 28, United States Code. That section provides:</p> <p>"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 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:</p> <p>(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".</p> <p>(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under</p> | <p>USCIS appreciates this comment.</p> <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>With regards to the collection of bank account information, it will be used to evaluate that sponsors and household members can meet their</p> |

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penalty of perjury that the foregoing is true and correct. Executed on (date).  
(Signature)". "  
Congress has determined that in matters subject to federal law and regulation, any affidavit which would ordinarily be required to be taken before a notary public may instead be substituted "with like force and effect" by an unsworn declaration under penalty of perjury including the appropriate language. USCIS has no authority to override this statute through a change in form instructions, If the instructions are not altered to allow for the possibility of an unsworn declaration under penalty of perjury pursuant to 28 USC 1746, rather than a notarization, they will be in violation of the law. USCIS is well aware of how to offer the option of a statement under penalty of perjury pursuant to 28 USC 1746 instead of a notarized signature. Page 4, Part 4 of the Form G-639, Freedom of Information/Privacy Act Request, contains precisely this option. If USCIS insists on adding notarization or the equivalent to Forms I-864, I-864A, and I-864EZ, then it must provide the same option as on the G-639.

support obligations under INA 213A, and sponsors have demonstrated the means to maintain income as required by INA 213A(f)(6).

Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.

No changes will be made based on this comment.

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| 1.2 | David Isaacson | <p>The proposed requirement to provide bank account information is also in severe tension with the statute. 8 USC 1183a(g)(6) clearly provides that certified copies of tax returns, accompanied by a written statement under oath or under penalty of perjury under section 1746 of title 28 regarding such copies, are the primary means of demonstrating means to maintain the required level of income, and that the possibility of proving assets is an additional form of "flexibility" offered where necessary:</p> <p>"(6) Demonstration of means to maintain income<br/>(A) In general<br/>(i) Method of demonstration</p> <p>For purposes of this section, a demonstration of the means to maintain income shall include provision of a certified copy of the individual's Federal income tax return for the individual's 3 most recent taxable years and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, that the copies are certified copies of such returns.</p> |  |
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| 1.2 | David Isaacson                                     | <p>(ii) Flexibility</p> <p>For purposes of this section, aliens may demonstrate the means to maintain income through demonstration of significant assets of the sponsored alien or of the sponsor, if such assets are available for the support of the sponsored alien."</p> <p>It does not demonstrate "flexibility" to require sponsors, or sponsored aliens, to prove their assets or related information in circumstances where the certified copies of the sponsor's tax returns provided under 8 USC 1183a(g)(6) already establish ability to maintain sufficient income. Doing so is therefore inconsistent with the statutory structure.</p> <p>Moreover, there are good practical reasons for sponsors not to want to provide information regarding their bank accounts unnecessarily. In the event of lost or misdirected mail, for example, such information could facilitate the theft of funds from the sponsor by anyone who were to inappropriately come into possession of the I-864, I-864A or I-864EZ. USCIS has no statutory basis to impose this risk on those who can demonstrate sufficient income through their tax returns.</p> <p>These proposed changes appear to represent an inappropriate effort by USCIS to hinder family-based immigration authorized by Congress, without statutory authority to do so. They should be rejected.</p> |  |
| 2.1 | Jeraline Edwards,<br>Law Offices of J S<br>Edwards | Having to provide account numbers and bank numbers will make sponsors very vulnerable to fraud.  | Bank account information will be used to evaluate that sponsors and household members can meet their support obligations under INA 213A, and |

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|     |                    |  | <p>sponsors have demonstrated the means to maintain income as required by INA 213A(f)(6).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made in response to this comment.</p> |
| 3.1 | Daniel M. Kowalski | <p>These added burdens will only discourage citizens from petitioning for family members. That is, however, the explicit intention of this racist, White Nationalist administration. We need more immigration, not less. We need to make it easier to immigrate, not more difficult. I oppose these changes. In November I will vote to oust this ignorant administration.</p>   | <p>No change will be made in response to this comment.</p>  |
| 4.1 | Kaurie Clough      | <p>While collecting the sponsors bank information is a great way to ensure that tax paying citizens are responsible for the beneficiary, I personally think that adding the beneficiary's bank information and credit score should also be in effect. It is so easy to not disclose this information and then the tax paying american is not the hook for an immigrant that will not and has no intention on becoming self sufficient or a part of society to further benefit our country. I am impacted by this additional language by ensuring my tax dollars aren't paid for an immigrant who is using benefits that our government assists with. Additionally I know first hand by my immigrant step-mother who is on public benefits now claiming she</p> | <p>USCIS appreciates this comment. No changes will be made in response to this comment.</p>   |

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|     |               | has no money but fails to claim her investment accounts so its a win win for her since she is only an LPR  |  |
| 5.1 | Joseph Muller | <p>The proposed revisions are unlawful because they require a sponsor to have the form notarized. Federal law permits an declaration under penalty of perjury in lieu of notarization. 28 U.S. Code 1746. By not permitting such a declaration USCIS not only ignores this statute, but it is also inconsistent with other forms where that is permitted. For example, form G-639 Freedom of Information Act Request, permits either notarization or an declaration under penalty of perjury.</p> <p>This unlawful rule creates unnecessary burdens on the sponsors who would be using this form. The sponsors would have to seek out a notary, often at their own expense, imposing both time and financial burdens that are not necessary or required under the law. This requirement is inconsistent with the statute.</p> <p>The proposed rule does not provide any explanation or legla basis whatsoever for this change.</p> <p>Additionally, this rule imposes unnecessary obligations on the sponsors by requiring bank account information. This information is intended to dissuade potential sponsors from completing the form. A reasonable person would understand that providing bank account information will expose extremely sensitive financial information to risk such as hacking or misuse. The potential benefit to USCIS of</p> | <p>USCIS appreciates this comment.</p> <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> |

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|     |            | <p>having this information is extremely limited, since no financial transaction is being made and it is unlikely that USCIS would ever use the provided information for any of the sponsors who provide it. As such, it exposes potentially millions of people's sensitive financial information for almost no reason, and appears to be intended to dissuade sponsors rather than assist USCIS with adjudications.</p> <p>The proposed rule does not provide any explanation or legal basis for the need to include bank information.</p>   | <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>The commenter's suggestion about revising the G-639 is outside the scope of this form revision.</p> <p>No changes will be made based on this comment.</p> |
| 6.1 | Kyle Knapp | <p>The proposed changes to the I-864, I-864EZ, and I-864A forms and instructions are neither appropriate nor necessary. The two disconcerting items are requiring bank account information regardless of whether assets are being used to demonstrate the financial ability to serve as a sponsor or joint sponsor and requiring a notarized signature. First, if a sponsor has sufficient income to serve as a sponsor, collecting bank account information is not necessary; rather it serves merely to complicate and obfuscate the process and burden an otherwise-qualified sponsor. Second, requiring a notarized signature is a deviation from long-established practices for the Affidavit of Support and similarly merely adds an</p> | <p>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. In addition, since this requirement helps ensure that</p>   |

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unnecessary burden to persons seeking immigration benefits and those serving as sponsors. The proposed changes to the forms and instructions are ill-conceived and should be withdrawn.

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.

With regards to the collection of bank account information, it 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).

Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.

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| 7.1 | Doug Ballanco | <p>The proposed revision requiring that Forms I-864, I-864A, and I-864EZ be notarized does little to further the goals of the Memorandum on Enforcing the Legal Responsibilities of Sponsors of Aliens while placing a significant burden on law-abiding immigrants and their sponsors during a pandemic. We urge USCIS to reconsider this proposal because notarization does not have a significant impact on enforcement, there is an additional cost, this stagnates efficiency and is a hazard to public health in the midst of the coronavirus.</p> <p>The directives in the Presidential Memo all aim to improve the government's ability to enforce Forms I-864, I-864A, and I-864EZ filers' sponsorship obligations. It is unclear how new form versions requiring notarization will improve enforcement. The current versions of Forms I-864, I-864A, and I-864EZ all require signatures under penalty of perjury by an immigrant's sponsor or co-sponsor. Submission of these signed forms permit any Federal, state, local, or private agency to compel reimbursement from a sponsor for any means-tested benefit provided to a sponsored immigrant. Requiring these signatures to be notarized will not have any impact on the government's right or ability to enforce Forms I-864, I-864A, and I-864EZ.</p> <p>By contrast, a notarization obligation will place additional burdens on all immigrants and their sponsors. The costs of notary services would be passed on to all individual petitioners. Moreover, USCIS will be unable to streamline Forms I-864, I-864A, and I-864EZ for electronic submission, hampering agency efforts to improve efficiency and thus passing additional costs on to immigrants or taxpayers.</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.</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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally</p> |
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Additionally, the proposed requirement adds a burden on public health that does not appear to be reflected in the agency's estimates. A notary public must witness a signature for it to be valid, so sponsors seeking to have their Forms I-864, I-864A, or I-864EZ notarized would need to physically visit a notary's office in the midst of a pandemic. As of April 23rd, there have been at least 865,585 COVID-19 cases in the United States and 48,816 deaths. States of emergencies have been issued in every state for an unclear amount of time. While notary agents are essential workers, requiring sponsors or immigrants to get their documents notarized in the midst of an extended pandemic and its aftermath is an unnecessary and dangerous risk to public health.

For the reasons stated above, we urge USCIS to not pursue any aspect of this proposal, to extend the deadline for all Requests for Comment until the pandemic emergency ends, plus at least 30 days, and to pursue regulatory policy that affirms and uplifts our immigrant communities.

- Anisa Rahaman, Aswini Periasamy, and Doug Ballanco

identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.

USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.

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| 8.2 | Gabrielle Lessard,<br>National Immigration<br>Law Center | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0130&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0130&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>The Proposed Revisions to the Instructions and Forms are Not Written in Plain Language</p> <p>As a general comment, the additional language proposed in these revised instructions and forms do not conform to the Plain Writing Act of 2010 (Public Law 111-274) and OMB Guidance Implementing the Act<sup>1</sup>. Specifically, the Guidance states that “avoiding vagueness and unnecessary complexity makes it easier for members of the public to understand and to apply for important benefits and services for which they are eligible.</p> <p>Plain writing can also assist the public in complying with applicable requirements simply because people better understand what they are supposed to do.” We note below the many ways the proposed revisions to the instructions and forms create more complexity, and in some instances, are vague, which makes it more difficult for the public to understand their rights and responsibilities. The resulting confusion will lead to costly and inefficient operations of federal agencies and create more burden on the public using the forms as they try to understand and navigate the additional information.</p> | <p>USCIS has reviewed the forms and instructions for plain language and legal accuracy. Where possible, USCIS has employed plain language to improve readability and avoid unnecessary complexity. However, USCIS must also ensure that sponsors and household members have all the information they need to properly complete the forms and understand the specific legal obligations to which they are agreeing.</p> <p>No changes will be made based on this comment.</p> |
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| 8.3 | <p>Means-tested benefits, page 1</p> <p>In the second paragraph, we are concerned with the replacement of the modifier, “designated”, with “any” Federal, state, or local means-tested public benefits. The instruction then references Part 9 of the contract. Part 9 only refers to the section of federal law that specifies federal programs that are not considered federal means-tested public benefits for purposes of deeming and sponsor liability. Federal benefits determined to be means-tested for purposes of sponsor deeming and sponsor liability are Supplemental Security Income (SSI), food stamps (Supplemental Nutrition Assistance Program or SNAP), Temporary Assistance for Needy Families (TANF), Medicaid (nonemergency), and the Children’s Health Insurance Program (CHIP). The U.S. Department of Health and Human Services outlined the very specific criteria to determine which federal public benefits meet the definition of federal means-tested public benefits under the 1996 welfare law. 2 Furthermore, the regulations require that federal, state, local government agencies issue a public notice of their determinations of which benefits, if any, under their jurisdiction would be considered federal, state or local means-tested public benefits for purposes of these laws. The regulations expressly state 1 Memorandum for Heads of Executive Departments and Agencies, “Final Guidance on Implementing the Plain Writing Act of 2010,” Office of Management and Budget, M-11-15 (April 13, 2011). 2 HHS, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), “Interpretation of ‘Federal Means-Tested Public Benefit,’” 62 FR 45256 (Aug. 26, 1997). 3 that sponsors are not liable for reimbursing government agencies for any benefits received by the sponsored immigrant prior to the time that this public notice is provided. See 8 CFR 213a.4(b).</p> <p>Recommendation: Use of the word “any” is overinclusive and will</p> | <p>Form I-864 is governed by INA 213A and 8 CFR 213a. 8 CFR 213a.1 defines means- tested public benefits as “either a Federal means-tested public benefit, which is any public benefit funded in whole or in part by funds provided by the Federal Government that the Federal agency administering the Federal funds has determined to be a Federal means-tested public benefit under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, or a State means-tested public benefit, which is any public benefit for which no Federal funds are provided that a State, State agency, or political subdivision of a State has determined to be a means-tested public benefit...” Therefore, if the benefit granting agency hasn’t determined the benefit to be a means-tested public benefit, it is not considered.</p> <p>No changes will be made based on this comment.</p> |
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|  |  | <p>cause confusion for sponsors as well as sponsored immigrants regarding which benefits are potentially subject to reimbursement under the contract. We ask that the language regarding which benefits are included remain limited to the means-tested benefits that have been designated specifically as such by the federal, state or local entity administering the benefits per regulation.</p> |  |
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| 8.4 | <p>Sponsor and Beneficiary Liability, page 3</p> <p>We are concerned with the addition of the sentence: “Under section 213A of the Act, if the individual you are sponsoring receives means-tested public benefits, you must reimburse the agency that provides the benefits, and the agency that provides the benefits may be able to sue you to recover the cost of the benefits provided if you do not reimburse the agency.” The sentence omits an important step in the process, among others, that the agency providing the benefits must make a request to the sponsor for repayment of the benefits. If this step is omitted, one could read the sentence as requiring the sponsor to repay the agency whenever the sponsored immigrant receives the benefit regardless of whether the agency has taken any action to notify the sponsor, seek reimbursement or determine whether liability applies. See 8 USC 1183a(b)(1).</p> <p>Recommendation: The language should mirror the language in the second paragraph under the Section, Means-tested Public Benefits, with the modification above limiting it to designated benefits and adding the italicized additional helpful language: “If an immigrant sponsored in this affidavit receives designated Federal, state or local means-tested public benefits after having become a lawful permanent resident and while the affidavit of support is in effect, the agency providing the benefit may request that you reimburse the agency for the cost of those benefits. That agency can sue you if you do not reimburse the benefit granting agency for the cost of the means-tested public benefits provided.”</p> | <p>Under section 213A of the Act and 8 CFR 213a.4, a sponsor must reimburse the agency upon request of reimbursement. USCIS has made edits to Form I-864 and Form I-864EZ as a result of this comment. The language has been modified to read, “...upon request, you must reimburse the agency that provides the benefits.</p> |
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| 8.5 | <p><b>Liability Due to Misinformation</b><br/>Similar to the section above, it is unclear why USCIS is including information about liability stemming from other federal agencies' programs and statutory authorities. Again, it is unclear how this is related to the affidavit of support and could cause confusion and concern that it is related to the immigration process. It is also unnecessary and confusing to include the last paragraph regarding its inapplicability to refugees and other categories of individuals who are not required to file an I-864. Recommendation: Strike this section in its entirety.</p> | <p>INA 213A, 8 CFR 213a and Form I-864 deal with support obligations, which includes reimbursement. This section provides additional clarity on joint and several liability and was added to ensure sponsors are better informed of their obligations. USCIS notes this does not alter the existing support obligations under INA 213A. No changes will be made based on the comment.</p> |
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Part 9. Sponsor’s Contract, Statement, Contact Information, Certification, and Signature  
What If I Do Not Fulfill My Obligations?  
We are concerned about the paragraph:  
“If a Federal, state, local, or private agency provided any covered means-tested public benefit to the person who becomes a lawful permanent resident based on this Form I864 that you signed, you are responsible for reimbursing the agency for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe. If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future.”  
The proposed revised language omits the required step, among others, that the benefits granting agency request reimbursement before the sponsor is required to repay the benefits. This may lead the sponsor to believe that they must reimburse the benefits agency upon the sponsored immigrant’s receipt of the benefits regardless of whether the agency has taken any action to notify the sponsor, seek reimbursement or determine whether liability applies. See 8 USC 1183a(b)(1).  
The proposed addition of the last sentence regarding the possible disqualification of the sponsor to sponsor anyone in the future is not authorized by statute. There is no legal basis for this statement. The statute sets forth the requirements for being a sponsor or joint sponsor. 8 USC 1183a(f). The regulations further define the requirements for being a sponsor. 8 CFR §§ 213a.2(c)(1)(i)(A), (B), and (C)(1). Nowhere in the statute or regulations is it written that reimbursement of means-tested benefits for other sponsored immigrants is a requirement for being a sponsor. The agency cannot create new law through amending a form. The 30-day notice acknowledges this by stating: “The regulations governing the

USCIS is editing the Sponsor’s Certification statement in response to this comment. The language will be changed from “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future” to “If you fail to reimburse the benefit granting agency *upon request*, you *may be found* ineligible to *be a sponsor* in the future” (edit in italics).

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|  |  | <p>Affidavit are provided in 8 CFR 213a and will not be changed by this form change.” However, adding the above sentence would have the effect of changing the regulations. Moreover, the proposed additional language implies that the sponsor’s obligations continue without exception and in perpetuity.</p> <p>Recommendation: Replace the above paragraph with the following:<br/>“If a Federal, state, local, or private agency provided designated means-tested public benefits to the person who has become a lawful permanent resident based on a Form I864 that you signed, while the I-864 is in effect, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.”</p> |  |
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| 8.7 | <p>Sponsor Certification, page 8.</p> <p>We are very concerned about the expansion of the certification section that includes authorizations for release of information, including personal identifying information that sponsors are asked to agree to as part of executing the affidavit of support, and that are not related to law enforcement or administration of the programs.</p> <p>Section F, which refers to the Sponsor and Beneficiary Liability section in the instructions, does not include any reference to a sponsor’s responsibilities under the Social Security Act or the Food Stamp Act. It is therefore unclear of what specific responsibilities the sponsor is certifying to being aware. Furthermore, it is outside the scope of USCIS’ authority to require certification of awareness of other federal agency statutory authorities.</p> <p>Recommendation: Strike the second part of the sentence, “and am aware of my responsibilities as a sponsor under the Social Security Act, as amended, and the Food Stamp Act, as amended.”</p> | <p>INA 213A(a) and (b) and 8 CFR 213a explain sponsor obligations and responsibilities when executing the Affidavit, including reimbursement of public benefits. The sponsor certification ensures the sponsor is aware and agrees to these obligations. The current I-864 already has language authorizing the release of the information for the administration and enforcement of immigration laws as is permitted by INA 213A. The added consent language clarifies that this includes release of information to DHS from the means-tested public benefit agencies for the purpose of administering and enforcement of immigration laws under the same authority.</p> <p>USCIS notes that the new consent language specifically concludes with “and only as permitted by law.” Therefore, the consent language does not permit disclosure for an unlawful purpose.</p> <p>Finally, sharing the information at issue with DHS is consistent with the referenced statutes because it permits an administering Federal or State agency, working with DHS in support of the efficient</p> |
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|  |  |  | <p>administration of its program, to better administer sponsorship requirements, including pursuit of recoupment when warranted from a sponsor who is a liable third party. This information collection supports the purposes of Federal means-tested public benefit programs in assisting the valid administrative needs of the respective programs as they relate to the sponsorship obligations found at section 213A of the INA, 8 U.S.C. § 1631, in DHS regulations at 8 C.F.R. Part 213a, and in applicable guidance.</p> <p>No changes will be made based on this comment.</p> |
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| 8.8 | <p>In new Sections L and M, the sponsor must authorize agencies and entities that administer or oversee means-tested public benefits to disclose information concerning the sponsor’s obligations to Department of Homeland Security (DHS) and the Department of State (DOS). It is unclear what authority DHS is using to require this. Only the Federal, state or local agency that provides the means-tested public benefit have authority to enforce the affidavit of support. DHS and DOS have no authority and play no role in enforcement, other than DHS’ providing copies of the affidavit of support to the benefits granting agency and verifying whether the affidavit is valid. There is no obligation that the benefits agency provide information to DHS and DOS regarding sponsor reimbursement. In fact, the agency may violate their own program rules by disclosing the information.</p> <p>State and federal laws protect the confidentiality of individuals who apply for or receive public benefits. The federal statute under which the Systematic Alien Verification for Entitlements (SAVE) program was established permits information sharing for the purpose of program administration, and the limited purpose of enforcing child support obligations. However, the statute also requires states to have adequate safeguards to ensure that any information exchanged is protected against unauthorized disclosure and is made available only to the extent necessary to assist in the valid administrative needs of the program (42 USC 1320b-7(a)(5)). The authorizations requested in the proposed revised I-864 fall outside the parameters authorized by the SAVE and benefits statutes and regulations. In establishing the SAVE system, Congress granted specific authorization to HHS to receive information for child support purposes. 42 USC 1320b-7(a)(4)(B). See also 42 CFR 435.945(c). There is no similar grant of authority to DHS or USCIS. The absence of a similarly specific authorization for sharing</p> | Same response as above in 8.7. |
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|  |  | <p>information with USCIS for use by USCIS suggests that it is barred by the more general protections against sharing information.</p> |  |
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Recommendation: Strike Sections L and M from Part 9.

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| 8.9 |  | <p>Section N of the proposed revised form requires sponsors to “acknowledge” that failing to meet the obligations of sponsorship, could render them ineligible to sponsor anyone in the future. There is no statutory or regulatory authority for this exclusion from sponsorship. See above discussion.<br/>Recommendation: Strike Section N.</p> | <p>USCIS is editing the Sponsor’s Certification statement in response to this comment. The language will be changed from “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future” to “If you fail to reimburse the benefit granting agency <i>upon request, you may be found</i> ineligible <i>to be a sponsor in the future</i>” (edit in italics).</p> |
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| 8.10 | <p>Means-tested Public Benefits, page 2:<br/>In the second paragraph, we are concerned with the statement that “any” Federal, state, or local means-tested public benefits may be subject to reimbursement. The instruction then references Part 7 of the contract. Part 7 refers only to the section of federal law that lists the federal benefit programs that are not considered Federal means-tested benefits. The only federal benefits that have been determined to be “federal means-tested public benefits” for purposes of sponsor deeming and sponsor liability are Supplemental Security Income (SSI), food stamps (Supplemental Nutrition Assistance Program or SNAP), Temporary Assistance for Needy Families (TANF), Medicaid (non-emergency), and the Children’s Health Insurance Program (CHIP).<br/>Federal public benefits must meet very specific criteria [see footnote 2] to be considered federal means-tested public benefits under the 1996 welfare law. The statement is even less useful in providing guidance on which state and local benefits may be covered. Indeed, the affidavit of support regulations require that federal, state, local government agencies issue a public notice of their determinations of which benefits are considered “means-tested public benefits” for these purposes. The regulations expressly state that sponsors are not liable for reimbursing government agencies for benefits received before this notice is provided. See 8 CFR 213a.4(b).<br/>Recommendation: Use of the word “any” is overinclusive and will cause confusion for sponsors as well as sponsored immigrants. We ask that the contractual language focus specifically on the means-tested benefits that have been designated as such by the federal, state or local entity administering the benefits per regulation. We recommend replacing the word, “any,” with “designated,” consistent with the recommended wording on the I-864.</p> | <p>Same response as above for this issue as it applies to the I-864.</p> <p>Form I-864 is governed by INA 213A and 8 CR 213a. 8 CFR 213a.1 defines means- tested public benefits as “either a Federal means-tested public benefit, which is any public benefit funded in whole or in part by funds provided by the Federal Government that the Federal agency administering the Federal funds has determined to be a Federal means-tested public benefit under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, or a State means-tested public benefit, which is any public benefit for which no Federal funds are provided that a State, State agency, or political subdivision of a State has determined to be a means-tested public benefit...”<br/>Therefore, if the benefit granting agency hasn’t determined the benefit to be a means-tested public benefit, it is not considered.</p> <p>No changes will be made based on this comment.</p> |
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| 8.11 | <p>Sponsor and Beneficiary Liability, page 3</p> <p>We strongly object to the revision of the sentence: “Under section 213A of the Act, if the individual you are sponsoring receives means-tested public benefits, you must reimburse the agency that provides the benefits, and the agency that provides the benefits may be able to sue you to recover the cost of the benefits provided if you do not reimburse the agency.” The sentence omits an important step in the process, among others, that the agency providing the benefits must make a request to the sponsor for repayment of the benefits. This may lead the sponsor to believe that they must reimburse the benefits agency upon the sponsored immigrant’s receipt of the benefits regardless of whether the agency has taken any action to notify the sponsor, seek reimbursement or determine whether liability applies. See 8 U.S.C. 1183a(b)(1).</p> <p>Recommendation: The language should mirror the recommended language in the second paragraph under the Section, Means-tested Public Benefits, with the modification above limiting it to designated benefits and adding the clarifying italicized language in red: “If an immigrant sponsored in this affidavit receives designated Federal, state or local means-tested public benefits after having become a lawful permanent resident and while the affidavit of support is in effect, the agency providing the benefit may request that you reimburse the agency for the cost of those benefits.</p> <p>That agency can sue you if you do not reimburse the benefit granting agency for the cost of the means-tested public benefits provided.”</p> | <p>Under section 213A of the Act and 8 CFR 213a.4, a sponsor must reimburse the agency upon request of reimbursement. USCIS has made edits to Form I-864 and Form I-864EZ as a result of this comment. The language has been modified to read, “...<i>upon request</i>, you must reimburse the agency that provides the benefits.” (Edits in italics.)</p> |
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I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.

I'm an immigration paralegal.

Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary

USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.

There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account

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. 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.

With regards to the collection of bank account information, it 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).

Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the

Mass Mail Campaign  
1: Comment  
Submitted by Kelsey  
Perez Lopez, Total as  
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information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.

Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.

same manner as other sensitive information possessed by USCIS.

With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.

No changes will be made based on this comment.

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| 9.2 | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID-19) pandemic.</p> <p>Under Oregon state law (where I reside), it is illegal for a notary to</p> | <p>USCIS appreciates this comment.</p> <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> |
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notarize an immigration form as it does not have any notary certificate wording or place to stamp on the form. This would also be an unreasonable burden to our clients. Making them find a notary and pay extra fees to get the document notarized (which currently no state is allowed to, due to my explanation above). It would also delay the filing of applications for our clients.

In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.

Form I-864, Form I-864EZ, and Form I-864A all contain fields for a notary to fill out and a place for the notary stamp.

USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.

No changes will be made based on this comment.

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| 10.1 | Frederick Benz | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p> <p>No changes will be made based on this comment.</p> |
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submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.

Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.

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| 10.2 | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID-19) pandemic.</p> <p>Evan Benz</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> |
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In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.

USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA. With regards to the collection of bank account information, it 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).

Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.

No changes will be made based on this comment.



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| 11.1 | Kristin Boscia | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>I am an immigration attorney working primarily with medium income families. They make enough to sponsor a family member, but some have to ask for a joint sponsor in cases such as where the US Citizen wife stays at home with the children and the immigrant husband is working to provide for the family.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information</p> |
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Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.

Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.

When we have to get a joint sponsor for a family based immigration case, it is very difficult to convince some people to share the information that is already required for the I-864. Putting the requirement in place that we have to submit bank records will make it impossible to convince some potential joint sponsors to be willing to sign the Affidavit of Support, making it impossible for some people to apply for their green card.

will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.

With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.

No changes will be made based on this comment.

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| 11.2 | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID-19) pandemic.</p> <p>I, as an attorney, find it incredibly difficult to get documents notarized even though I have access to resources and other colleagues who can help me get something notarized. This will create an undue burden for applicants and will add additional cost which is unnecessary for applicants to have to shoulder.</p> <p>In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public.</p> | <p>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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>With regards to the collection of bank account information, it will be used to evaluate that sponsors and household members can meet their</p> |
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|  |  |  | <p>support obligations under INA 213A, and sponsors have demonstrated the means to maintain income as required by INA 213A(f)(6).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |
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| 12.1 | Matthew Lamberti | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>I am an attorney with 10 years experience, working for low-income immigrant communities.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>Access to detailed bank account information is not necessary to see proof of income and assets for those who must show financial support. In addition, there are privacy concerns for a sponsoring individual. This step will deter some potential sponsors because of their well-founded mistrust of what the immigration agencies may do with personal information. Finally, this additional info on the form will slow down the application and adjudication process, a process that is already more lengthy than it should be.</p> <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the</p> |
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This is nothing more than a dilatory, needless hurdle for applicants. A sworn statement is a sworn statement, and a petitioner, preparer, or beneficiary submitting USCIS forms has already signed many spaces, averring the truth of the statements and acknowledging the penalties for misrepresentation. Particularly in the middle of the public health crisis, this additional burden is irresponsible and punitive.

In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.

same manner as other sensitive information possessed by USCIS.

With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.

No changes will be made based on this comment.

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| 13.1 | Barbara Bleisch | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> <p>I believe this unnecessary requirement is being added for the purpose of intimidating and discouraging potential sponsors.</p> | <p>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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>With regards to the collection of bank account information, it will be used to evaluate that sponsors and household members can meet their</p> |
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Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden  
Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors and the household members, especially under conditions resulting from the 2019 novel coronavirus (COVID- 19) pandemic.

I believe this requirement is unnecessary, and it being added for the purpose of discouraging potential sponsors.

For the reasons above, I oppose the agency's proposal to require additional detailed banking information and notarization of the sponsorship forms. These requirements are unnecessary and intended to discourage sponsorship. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.

support obligations under INA 213A, and sponsors have demonstrated the means to maintain income as required by INA 213A(f)(6).

Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.

No changes will be made based on this comment.



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| 14.1 | Edwin Rubin | <p>Dear Sir/Madam:</p> <p>This comment opposes changes to Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that "sponsors" providing this form to intending immigrants provide unnecessary and unwarranted in-depth bank account information and that the forms be notarized.</p> <p>I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>I have been practicing immigration law for over 47 years and have seen many changes to the law and the forms designed to implement the law. These proposed changes serve no real legitimate purpose and only service to create obstacles to the orderly administration of our duly enacted immigration laws..</p> <p>In-Depth Bank Account Information from All Sponsors is an Unwarranted Intrusion Without Any Legal Justification</p> <p>Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information since the "sponsor" or household member's income is documented</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>With regards to the collection of bank account information, it 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).</p> |
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through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.

Moreover, this new requirement raises significant privacy concerns especially in today's environment where cybercrime and identity theft are becoming increasingly more prevalent. Even bank account statements do not include full account numbers on statements in recognition of this problem.

Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law

Currently, the Form I-864 and related Forms I-864A and I-864EZ are signed under penalty of perjury. Requiring the forms to be signed in front of a notary is inconsistent with and ultra vires under federal law. 28 U.S.C. section 1746 which permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Requiring the notarization is also violative of the Administrative Procedure Act by imposing this new requirement through a form revision rather than rulemaking with notice and the opportunity to comment.

This requirement also adds an undue and totally unnecessary burden on "sponsors". It appears solely designed to discourage such sponsors from executing the forms without providing any additional public benefit or serving any legitimate government

Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.

With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.

No changes will be made based on this comment.

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Edwin Rubin

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| 15.1 | Kraig Rice | <p>I oppose proposed changes to Form I-864 and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS proposed, among other things, that US citizens and lawful permanent residents sponsoring their spouse for a green card provide in-depth bank account information and have the forms notarized. For the reasons below, I oppose the proposed changes to Forms I-864, I-864A, and I-864EZ. I urge USCIS to remove these requirements before the new editions of these forms are released.</p> <p>I am a US Citizen, attorney, and law school faculty member. I have been involved with the immigration system personally and professionally over the past 20 years. The most impactful data breach to me was the OPM breach when hackers obtained my personal information, including social security numbers, past addresses, past employers, etc. This was from my application for security clearance, which should have been among the most protected information the US Government maintained.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS proposes to add a new requirement to Forms I-864, I-864A, and I-864EZ to require US citizens and lawful permanent residents sponsoring their relatives for a green card to provide bank account information. Specifically, sponsors (and household members) would be required to provide the name of their bank, their bank account number, the bank routing number, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information from all US citizen and lawful permanent resident sponsors. Bank</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the</p> |
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account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.

Moreover, this requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to risk of becoming an identity crime victim.

I was personally affected by the OPM data breach, and as such, I am sensitive to the information that is collected and potentially available to hackers.

same manner as other sensitive information possessed by USCIS.

With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.

No changes will be made based on this comment.

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| 15.2 | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with US Law</p> <p>Currently, Forms I-864, I-864A, and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. In its new proposal, USCIS proposed to require these forms to be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 USC section 1746 permits federal forms, including Form I-864, I-864A, and I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID-19) pandemic.</p> <p>Particularly, during the middle of the coronavirus pandemic this smacks of government-imposed burdens to create a hurdle for</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> |
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|      |  | <p>petitioner/sponsors. Please do not increase the amount of personal contact required among people to complete these forms. As an attorney, I can file a declaration signed under penalty of perjury in court which is legally equivalent to a notarized signature. Do not introduce new rules that will help the virus spread!</p> <p>Thus, I oppose USCIS's proposal to require, among other things, US citizens and lawful permanent residents sponsoring their relatives for a green card to provide in-depth bank account information on Forms I-864, I-864A, and I-864EZ, and have these forms notarized. I urge USCIS to remove these requirements before the new editions of Forms I-864, I-864A, and I-864EZ are released to the public.</p> | <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |
| 16.1 | Mass Mail Campaign 2: Comment Submitted by Jacqueline Johnson, Total as of 5/4/2020: 6 | The United States Citizenship and Immigration Services (USCIS) has introduced changes to immigration Form I-864/Affidavit of Support (and related forms) that would require U.S. citizens and resident sponsors to provide in-depth bank account information in addition to the extensive tax documentation requirements already in place. The proposed revisions would also require all related forms to be notarized by a notary public an unnecessary and inconvenient regulation with no legal basis. The proposed changes would impose  | 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   |

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| <p>needless burdens on immigrant families, and would not contribute to the improvement of our current immigration system.</p> <p>If similar documentation is not required by our President, there is certainly no need to require this of immigrant families!</p> | <p>Member is actually the sponsor or household member agreeing to the support obligation. 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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |
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| 17.1 | Jeremy Ehrlich | <p>I strongly oppose these proposed changes. Requiring detailed bank account information is burdensome, not necessary due to the extensive tax documentation that is already required, and has the potential to discriminate simply due to issues of poverty. Requiring forms to be notarized, an expensive process and another hurdle to jump through for immigrant families, is not necessary to ensure the proper information is collected and is designed simply to prevent these families from successfully applying. The current level of information collected, and the manner in which it is currently collected, is sufficient--these changes are entirely unnecessary. Please reject them.</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the</p> |
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|      |  |   | <p>same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p>   |
| 18.1 | <p>Commenter:<br/>Christine Vivio</p> <p>Submitter<br/>Information<br/>Submitter's<br/>Representative:<br/>Pramila Jayapal</p> | <p>I am writing to oppose the proposed changes to immigration Form I-864/Affidavit of Support that would require U.S. citizens and resident sponsors to provide in-depth bank account information in addition to the extensive tax documentation requirements already in place. These revisions, along with the proposed amendment to require all related forms to be notarized by a notary public, impose unnecessary and inconvenient burdens on immigrant families with no legal justification.</p> <p>I am a U.S. citizen who will be sponsoring my fiancée for a green card in the coming months. There is no legal reason that my personal bank account information needs to be shared with USCIS to confirm my income, which can be done by reviewing my federal income tax returns and W-2 wage statements. I am particularly concerned about the sharing of such private information given the associated cybersecurity risks. I was personally affected by the OPM data breach after an internship with the Department of Justice which required me to obtain security clearance. I refuse to support my personal financial data being potentially exposed to hackers for no legitimate purpose other than to add hurdles to the immigration process. These changes will not improve our immigration system; they will just add needless costs and logistical challenges to immigrant families like mine.</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it will be used to evaluate that sponsors and household members can meet their support obligations under INA 213A, and sponsors</p> |

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|      |                |  | <p>have demonstrated the means to maintain income as required by INA 213A(f)(6).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p>   |
| 19.1 | Debra Wollesen | <p>These proposed revision do not improve the process to the immigration process. They are burdensome and no value. Requiring a notary and at this time in particular is just short of ridiculous.</p> | <p>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.</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</p> |

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|      |               |   | financial responsibility of sponsorship. No changes will be made based on this comment.  |
| 20.1 | Pamela Gudino | <p>This comment is submitted in opposition to the opposed changes. I believe these changes will discourage people from applying to adjust immigration status by creating additional barriers. It seems an attempt to make immigration even more difficult for family members. As a US citizen who has attempted to apply for legal status for family members, I can attest the process is already lengthy and burdensome. I applied for family members prior to 2012 and to this date have not heard any updates on status. I believe that this measure also unfairly singles out people who are low income and have less resources. People's economic status should not be a criteria for immigration. Requiring notarization and bank accounts puts sponsors at risk for exploitation and cybercrime. An efficient and fair immigration system is a priority and these measures only increase meaningless bureaucracy and create additional barriers for the most vulnerable.</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally</p> |

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|      |                      |  | <p>identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p>   |
| 21.1 | Ruthanne Ranz-Appell | <p>I am writing in opposition.</p> <p>The U.S. Citizenship and Immigration Services (USCIS) has introduced changes to immigration Form I-864/Affidavit of Support (and related forms) that would require U.S. citizens and resident sponsors to provide in-depth bank account information in addition to the extensive tax documentation requirements already in place. The proposed revisions would also require all related forms to be notarized by a notary publican unnecessary and inconvenient regulation with no legal basis. These proposed changes would impose needless burdenson immigrant families, and would not contribute to the improvement of our current immigration system.</p> <p>Again, I oppose these changes. Thanks for listening.<br/>Ruthanne Ranz Appell</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it will be used to evaluate that sponsors and household members can meet their support obligations under INA 213A, and sponsors</p> |

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|      |                 |  | <p>have demonstrated the means to maintain income as required by INA 213A(f)(6).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p>   |
| 22.1 | Jeremy Pressman | <p>The proposed changes neither advance the rule of law, nor provide additional information that is necessary. The information already required and procedures already on the books are more than sufficient. The agency has done its job effectively in the past while using the existing information to process immigrant paperwork, including affidavits.</p> <p>The proposed requirement that all related forms would need to be notarized by a notary public is an unnecessary and inconvenient regulation with no legal basis. It is a solution in search of a problem; the agency has provided no convincing evidence that the quality of information it gathers would improve by requiring notarization.</p> <p>Overall, the proposed changes would impose needless burdens on immigrant families and would not contribute to the improvement of our current immigration system.</p> | <p>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.</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</p> |

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|      |            |  | financial responsibility of sponsorship. No changes will be made based on this comment.  |
| 23.1 | Dawn Aiken | I am writing to oppose the proposed changes to Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. The proposed revisions would require an unnecessary and inconvenient regulation with no legal basis. The proposed changes would impose needless burdens on immigrant families, and would not contribute to the improvement of our current immigration system. These unfair suggestions do not represent the government that I vote for.<br>Thank you.   | No changes will be made based on this comment.   |
| 24.1 | Anonymous  | The United States Citizenship and Immigration Services (USCIS) has introduced changes to immigration Form I-864/Affidavit of Support (and other related forms) that would require U.S. citizens and resident sponsors to provide detailed bank account information in addition to the extensive tax documentation requirements that already exist. The proposed revisions would also require all related forms to be notarized by a notary public. This additional revision is an unnecessary and inconvenient regulation with no real legal basis. The proposed changes would add unnecessary burdens on immigrant families, and would subsequently not contribute to the improvement of our current immigration system in the United | 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. In addition, since this requirement helps ensure that |

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|      |           | <p>States. Because of all of the above, I am advocating against the proposed process revisions that would burden immigrant families in the United States of America.</p>   | <p>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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |
| 25.1 | Anonymous | <p>As a concerned citizen, I strongly oppose these proposed changes. As a publicly funded agency, USCIS must fulfill its mission to protect the rights of all immigrants. It is unacceptable to require that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. There is no justification for imposing a tax on a person who is engaging in</p> | <p>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</p>  |



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this lawful behavior. I demand that USCIS withdraw this proposal immediately.

the Contract Between Sponsor and Household Member is actually the sponsor or household member agreeing to the support obligation. 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.

With regards to the collection of bank account information, it 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).

Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.

No changes will be made based on this comment.

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| 26.1 | Anonymous | <p>I am writing in opposition to proposed changes to Form 1-864/Affidavit of Support (and related forms). These changes would require U.S. citizens and resident sponsors to provide in-depth bank account information in addition to the extensive tax documentation requirements already in place. The proposed revisions would also require all related forms to be notarized by a notary public, which is an unnecessary and inconvenient regulation with no legal basis. The proposed changes would impose needless burdens on immigrant families, and would not contribute to the improvement of our current immigration system.</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the</p> |
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|      |                   |  | <p>same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p>   |
| 27.1 | Kelsey Livingston | I am against these revisions. They will cause an unnecessary burden on immigrants, and will not make the immigration system better.  | No changes will be made based on this comment.  |
| 28.1 | Joy Scaglione     | These proposed changes to Form I-864 and related Forms I-864A and I-864EZ would impose needless burdens on immigrant families, and would not contribute to the improvement of our current immigration system.  | No changes will be made based on this comment.  |
| 29.1 | Janet Stein       | <p>I am writing to oppose the changes outlined by USCIS to require U.S. citizens and resident sponsors to provide in-depth bank account as part of immigration Form I-864 and related forms. Because sponsors must already provide tax forms demonstrating that they have the resources to meet income and asset requirements, this request for bank details accomplishes no new purpose, while also increasing the burden on respondents. There is no practical benefit to the agency, and the rule will not increase or improve compliance with the current immigration rules.</p> <p>Similarly, adding a requirement that forms be notarized is unnecessary, lacks legal basis, and poses a significant obstacle to applicants, especially in light of the current pandemic.</p> <p>These proposed changes impose burdens on American families that are far greater than any supposed benefit to the agency or the US government. I strongly oppose their approval.</p> | <p>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. 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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| 30.1 | Anonymous | <p>As a citizen, a voter, and a taxpayer, I oppose this proposed revision. AILA has made it clear that this revision places an undue burden immigrant families by demanding extensive information about their bank accounts and by requiring notarization for forms. The US Citizenship and Immigration Services department exists to SUPPORT and FACILITATE the process of applying for citizenship--that's why it has the word "Services" in its name, rather than "Impediments" or "Obstacles" or "Undue Burdens"! I stand with AILA, aspiring Americans, and immigrant families trying to file the proper papers: please do not implement this unnecessary revision.</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the</p> |
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|      |                |   | same manner as other sensitive information possessed by USCIS.<br><br>No changes will be made based on this comment. |
| 31.1 | Julie Damerell | The proposed changes would impose needless burdens on immigrant families, and would not contribute to the improvement of our current immigration system. In fact, most citizens would have trouble completing this amount of paperwork. | No changes will be made in response to this comment.   |

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| 32.1 | Anne Esacove | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it 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). Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the</p> |
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submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.

Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.

same manner as other sensitive information possessed by USCIS.

With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.

No changes will be made in response to this comment.

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| 33.1 | Jaime Giesen     | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>These changes are not being proposed for the stated reasons - "returning the rule of law" or to strengthen the American immigration system. These changes are being proposed to advanced a racist agenda. There is no large-scale breaking of the rule of law. The American people see this bigotry for what it is worth. These changes are disgraceful.</p> | No changes will be made in response to this comment. |
| 34.1 | Laurel Singleton | <p>I am writing to oppose the proposed changes to Immigration Form I-864/Affidavit of Support (and related forms). These changes--requiring in-depth bank account information on top of the comprehensive tax documentation already required and mandating that all forms be notarized--place unnecessary burdens on sponsors and immigrant families. And they would not contribute in any way to improving our immigration system.</p> <p>Please stop making changes designed to cause difficulties to immigrants.</p>  | No changes will be made in response to this comment. |



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| 35.1 | Lisa Finlay | <p>The proposed changes would impose needless burdens on immigrant families, and would not contribute to the improvement of our current immigration system.</p> <p>I went through this process with my current husband, who was sponsored by my father, 15 years ago. It was difficult and burdensome then. We don't need to complicate it further.</p>                 | No changes will be made in response to this comment.   |
| 36.1 | Anonymous   | <p>This is annoying. I had to get all these documents together for a K-1 visa and it took forever; there's no need for additional bank account information, especially for it to be notarized, when you're already seeing all the tax information. You're just trying to make it harder to bring immigrants, who ADD to this society, to the US. We see through it.</p> | No changes will be made in response to this comment.   |
| 37.1 | Lemlem D    | <p>This unfair proposed legislation would add an unnecessary challenge to the already rigorous application process on the Form I-864, Affidavit of Support, and related Forms I-864A and I-864EZ. Humanity is more important than ever during times like these; please reject these proposed changes to require bank account information and a notarized letter.</p>    | <p>USCIS posted a Federal Register Notice requesting comment on a revision to an information collection, not a rulemaking or proposed legislation.</p> <p>No changes will be made in response to this comment.</p> |
| 38.1 | Nina Miller | <p>I oppose USCIS Changes to Form I-864, Affidavit of Support, and Related Forms, Which Would Impose Unnecessary Burdens on Immigrant Families.</p>   | No changes will be made in response to this comment.   |

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| 39.1 | Wendy Hoben   | These are unnecessary and burdensome revisions that do nothing to address real issues in our immigration and citizenship systems. Please don't waste government time and sponsor time and money (to notarize additional documents) on these provisions.  | No changes will be made in response to this comment.  |
| 40.1 | Ivan Stobert  | This is violation of my rights. You already have all my tax filings!! Routing and account number ???!!! Really ???!! All that can easily be accessed by Freedom act by ANYONE!   | No changes will be made in response to this comment.  |
| 41.1 | denise fisher | The proposed revisions would require all related forms to be notarized by a notary publican unnecessary and inconvenient regulation with no legal basis. The proposed changes would impose needless burdens on immigrant families, and would not contribute to the improvement of our current immigration system. Make life easier for people and make these regulations worthwhile. Getting to a bank and getting papers notarized are not always easy if you are working an 8-5 job. Stop making life harder for people<br>Denise Fisher | 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. 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. |

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| 42.1 | Virginia Bove | <p>I am writing to oppose changes to the F1864/Affidavit of Support and other forms that must be completed by sponsors of immigrants, which would require them to submit bank account details and to have their submissions notarized. Neither of these is necessary nor legal under current laws.</p> <p>Neither is necessary, either, and both are extremely inconvenient and in many cases prohibitive, especially during the quarantine periods rightfully observed by these citizens.</p> <p>Mr. Mnuchin and others in the executive administration must alter their values toward those of the citizenship, to support those trying to do the right thing in this country.</p> <p>Insistently,<br/>Rev. Virginia Bove</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information</p> |
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|      |               |  | <p>will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p>   |
| 43.1 | Kathleen Heid | <p>I oppose changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> <p>Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |

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|      |  | or necessary, exposes them to heightened risk of becoming an identity crime victim.   |  |
| 43.2 |  | <p>Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>The requirement also adds undue and unnecessary burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID-19) pandemic.</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants,</p> |

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|      |                | <p>In conclusion, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p>  | <p>petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>No changes will be made based on this comment.</p>  |
| 44.1 | Bibie Adesioye | <p>USCIS' Proposed Changes to the Affidavit of Support are Unnecessary and Unlawful</p>   | <p>No changes will be made based on this comment.</p>  |
| 45.1 | Anonymous      | <p>The proposed collection of information absolutely is not necessary for the "proper performance of the functions of the agency." The information will similarly not have practical utility. For example, why on G-d's green earth would you need the banking information of the entire household if the regulation only requires the financial guarantee of the sponsor? Another example of a failure of this proposal - why would you need to have the tax forms notarized when they are already official government documents? This is just another burden placed on lawful immigrants trying to bring family members lawfully by creepy Stephen Miller and the whole country sees through it. Moreover, the Trump administration claims to be trying to "fix" the immigration system while actually burdening it. Why would you try to turn immigration lawyers into tax lawyers, which is essentially what these new regulations are doing to the</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |

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|      |                | <p>practice. Similarly, this proposed rule does NOT fall in line with the Administration's stated purposes of "small government" as they're reaching into the banking information of United States' citizens all over the country - whether that citizen is sponsoring an immigrant or not. I bet the vast majority of the 420 comments that have been submitted so far are against this rule, and I bet they will all be ignored. Your administration (Trump Administration) is universally reviled and this proposed rule will not help.</p>  |  |
| 46.1 | Cynthia Housel | <p>Please accept this comment on my opposition to changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS should remove requirements that, among other things, require green card holders' sponsors to disclose financial info before the new editions of these forms are released to the public.</p> <p>I am the child of immigrant parents and work in the immigrant rights field. I see the effects of punitive immigration policy changes ripple through communities seeking a better life for themselves and their families. Our country is better than this, particularly because we owe our successes and accomplishments as a country to immigrants.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |

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|      |             | <p>relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>Why is USCIS asking for this when they have no standing to do so? This additional requirement is just another delay tactic and undo burden to prove what is already satisfactorily shared in the current process.</p> <p>This also exposes people to potential identify theft or other unauthorized use of private information.</p> <p>The process is already thorough enough. This is unnecessary.</p> <p>I am not an attorney, but I stand with those in opposition to this change. I implore USCIS to delete these new changes before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> |  |
| 47.1 | Izzy Snyder | <p>I am commenting to oppose changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. I</p>  | <p>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</p> |



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|  |  | <p>oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I have friends and family members who are immigrants or legal permanent residents who already had to go through many hurdles to achieve citizenship status. I believe that adding more bureaucracy to this process will do nothing to increase national security or ensure that immigrants are entering the country legally, and will instead create an undue burden on immigrants through an already tedious process and delay already backed up legal immigration processes. Furthermore, these additions are redundant, as bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. Moreover, this exposes more people to the risk of identity theft by disclosing detailed bank account information, even though it is not even relevant or necessary. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |
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|      |            |  | No changes will be made based on this comment.   |
| 48.1 | Linda Rose | <p>I oppose the proposed changes to Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS proposes to require U.S. citizens and lawful permanent residents who sponsor foreign relatives for LPR status to provide personal bank account information and have forms notarized. I urge the agency to drop these ominous and unnecessary requirements.</p> <p>I am the owner of Rose Immigration Law Firm and represent numerous families, and occasionally employer, that must submit form I 864.</p> <p>Requiring Bank Account Information from Sponsors is Unnecessary.</p> <p>According to your proposal, petitioner:sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of their bank, account and routing number, and name of the account holder and any joint account holders.</p> <p>There is no legal authority for USCIS to require this information. The current requirements provide sufficient information and proof of income by way of federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |

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|      |  | <p>circumstances, the sponsor might use money in a bank account to satisfy the 125 percent of the federal poverty guidelines and to support this sponsors are already required to provide their banking information.</p> <p>Moreover, this new requirement raises significant privacy and security concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p>  |   |
| 48.2 |  | <p>Requiring Form I-864 and Related Forms to be Notarized is a Needless Burden</p> <p>Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal violates the Administrative Procedure Act by imposing this new requirement through a form revision.</p> <p>The requirement to have the form notarized by a notary public also adds completely unnecessary burdens on sponsors and the</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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</p> |

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|      |               | <p>household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national. Also it could impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID- 19) pandemic.</p> <p>In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. USCIS should remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public. Thank you. Linda Rose, Esq.</p> | <p>not wish to assume the significant financial responsibility of sponsorship.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>No changes will be made based on this comment.</p>  |
| 49.1 | James Montana | <p>My name is James Montana; I am a practicing immigration attorney. I spent five years working in a legal aid nonprofit for immigrants, and am now the principal attorney of a small immigration law practice.</p> <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. The proposed rule change requires sponsors, joint sponsors, and household members to</p>  | <p>USCIS posted a Federal Register Notice requesting comment on a revision to an information collection, not a proposed regulation.</p> <p>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).</p> |

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|  |  | <p>provide bank account information, including routing and account numbers.</p> <p>I am aware that many of my fellow practitioners have submitted separate statements concerning the administrative burden of the proposed regulation. I wish to add my voice to make one very specific point: the regulation will not achieve the aim of forcing sponsors to make good on their I-864 obligations.</p> <p>The reason for this is simple: the regulation attacks the wrong bottleneck. Federal and state law enforcement officials already have a valid contract, enforceable in federal court, in state court, and even as a private right of action, typically in family court matters. See, e.g., <i>Moody v. Sorokina</i>, 40 A.D.2d 14, 19 (N.Y.S. 2007). Obtaining the routing and account numbers will not significantly ease contract enforcement, because government attorneys will need to sue for enforcement *before* collecting on sponsors' obligation. The government isn't doing so now, and the regulation provides no reason to believe that the government will do so in the future. See., e.g., Greg McLawsen, <i>The I-864 Affidavit of Support: An Intro to the Immigration Form You Must Learn to Love/Hate</i>, Vo 48. No. 4 ABA Fam. L. Quarterly (Winter 2015).</p> <p>Adding the administrative burden of collecting bank account information, as well as notarization, would therefore serve no legitimate end. The government is unlikely to recover a single dollar more from sponsors in the event that the regulation is promulgated.</p> | <p>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. 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.</p> <p>No changes will be made based on this comment</p> |
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|      |             | Respectfully,<br><br>James Montana, Esq.<br>Arlington, VA  |  |
| 50.1 | Leah Rumsey | <p>I submit this comment to oppose changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>I write as someone who has sponsored a foreign-born spouse. While my family was well above the required income for sponsorship, completing the paperwork required was extremely difficult and we were separated for over a year because of this and other administrative barriers. Since our marriage and his immigration, my husband and I have contributed significantly to American economic and educational life. We have served our town, our religious communities, and our educational systems, but we have not forgotten the barrier USCIS placed in our way.</p> |  |

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| 50.2 |  | <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> <p>Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |
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|      |                 | <p>bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p> <p>Given that USCIS already requires extensive tax documentation, it is clear that these new requirements are merely part of racist efforts to limits to immigration to the United States. This looks especially foolish as the Coronavirus pandemic has demonstrated the extend to which American rely on immigrants in fields such as medicine, engineering, and public health.</p> <p>In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> |  |
| 51.1 | Kelli Livermore | <p>The USCIS proposes significant changes to Form I-864, Affidavit of Support, and related Forms I-864A and I-864EZ. The proposed changes would require, in addition to other requirements, a U.S. citizen, and a lawful permanent resident sponsoring his or her foreign spouse or relatives for a green card must provide in-depth bank account information, including the name of the banking institution, account number, routing number, and the names of all account holders. This information is unnecessary and irrelevant. Sponsors already have to show they have enough income and/or</p>  | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information</p> |



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|      |           | <p>assets to support their foreign spouses or relatives at 125% of the Federal Poverty Guidelines by submitting Federal income tax returns and other relevant documentation. In addition, in some limited circumstances in which the sponsor relies on assets, specifically money in a bank account, to satisfy the 125% of the federal poverty guidelines, the sponsor must provide evidence of those assets by submitting copies of bank statements.</p> <p>Additionally, USCIS proposes to require sponsors to have the Form I-864 and related Forms I-864A and I-864EZ notarized, an inconvenient and needless burden which has no basis in the law. U.S. law permits these forms be executed under penalty of perjury.</p> | <p>will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>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. 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.</p> |
| 52.1 | Cara Ruiz | <p>The changes introduced by the United States Citizenship and Immigration Services to the immigration form I-864/Affadavit of Support that would require U.S. citizens and resident sponsors to provide in-depth bank account information in addition to the extensive tax documentation requirements already in place. This new requirements seems unnecessary with the information already required and a waste of money for the USCIS as they would then be required to have additional personnel to review this information for</p>  | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally</p>   |

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|  |  | <p>an already time encumbersome process. Additionally, the proposed revisions would require all related forms to be notarized by a notary public which seems to be especially unnecessary and inconvenient as well as unsafe during this time of COVID 19.</p> | <p>identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal,</p> |
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|      |                  |   | <p>State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>No changes will be made based on this comment.</p>   |
| 53.1 | Charlotte Frantz | <p>I object to these changes, especially the collection of bank account information. That seems invasive and unnecessary, given that families or sponsors already are required to submit tax information. Also, requiring a notary places an undue burden on those who must submit materials.</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>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. In addition, since this requirement helps ensure that</p> |

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|      |             |  | <p>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.</p> <p>No changes will be made based on this comment.</p>   |
| 54.1 | Amy Valens  | <p>It is unnecessary and too much of a burden to ask for this additional information. It appears to me to be simply a way to dissuade people from participating.</p>   | <p>No changes will be made based on this comment.</p>   |
| 55.1 | Sara Siegel | <p>The proposed revisions would unnecessarily require all relevant forms to be notarized by a notary public at any time this would be an unnecessary and inconvenient regulation with no legal basis. During a global health pandemic, this is truly a prohibitive action. These proposed changes would impose needless burdens on immigrant families, and they would not contribute to the improvement of our current immigration system. They are just another example of unnecessary hurdles implemented to further harm our most vulnerable populations.</p> | <p>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. 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</p> |

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|      |                   |   | <p>that may not wish to assume the significant financial responsibility of sponsorship.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>No changes will be made based on this comment.</p> |
| 56.1 | Elizabeth Griffin | <p>I am against the proposed change to form I-864/Affidavit of Support. The change requiring Bank account information is unnecessarily intrusive, and the information the agency needs can be supplied, as it presently is, by access to the tax forms of the sponsoring persons. This seems to me to be just one more way of throwing roadblocks in the path of immigrants and the persons who wish to sponsor them. Stop trying to make everything harder; sponsorship is a good idea, but making the process more and more difficult is simply unfair.</p> | <p>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).</p> <p>No changes will be made based on this comment.</p>   |
| 57.1 | Shannon Baruch I  | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I</p>  | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a</p>  |

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|  | <p>oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>I am an Immigration and Deportation Attorney in practice for more than twenty two (22) years. My practice extends to all fifty (50) state in the Union.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>This requirement at law would constitute an economic strangulation of prospective sponsors, U.S. citizens and Lawful Permanent Resident of immigrants for the sole purpose of immigration control. The information would be futile since, over the required) forty (40) quarters, bank accounts information may likely change or sponsors may simply move their account to another bank by simply closing the then. Under the current law, Form I-864 provides the Government with sufficient security, the sponsors' tax information assured that in perpetuity.</p> <p>Sponsors' banking account information would become public knowledge and can be requested under FOIA or subpoenaed particularly in judicial proceedings, exposing the sponsors to personal insecurity including cybercrime and identity theft. Constitutionally, this would constitute an invasion of privacy by the Government.</p> <p>In conclusion, for all the reasons outlined above, I oppose the</p> | <p>requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |
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|      |                        | <p>agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements from the new editions of Form I-864, Forms I-864A, and Form I-864EZ before they become law and are released to the public.</p>  |  |
| 58.1 | Anonymous<br>Anonymous | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075.</p> <p>The proposed collection of information absolutely is not necessary for the "proper performance of the functions of the agency." The information will similarly not have practical utility. For example, why would the agency need the banking information of the entire household if the regulation only requires the financial guarantee of the sponsor? Another example of a failure of this proposal - why would you need to have the tax forms notarized when they are already official government documents?</p> <p>These changes are not being proposed for the stated reasons - "returning the rule of law" or to strengthen the American immigration system. These changes are being proposed to advanced a racist agenda. There is no large-scale breaking of the rule of law. These changes are disgraceful.</p> | No changes will be made based on this comment. |

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| 59.1 | Jeremy Jennings | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>I am a practicing immigration attorney who has prepared immigration applications for twenty years.</p> <p>USCIS proposes to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require sponsors to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information. Bank account information is not necessary or relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In the limited circumstances where the sponsor is using assets, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |
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|      |  | <p>This new requirement raises significant privacy concerns and needlessly exposes sponsors to heightened risk of becoming an identity crime victim. As proposed, the I-864 will contain the sponsor's name, date of birth, place of birth, social security number, current address, and all personal bank information in one document. It would be a hacker's dream.</p>  |   |
| 59.2 |  | <p>Moreover, it also significantly increases liability of practicing attorneys who will be required to obtain and store this very sensitive financial information in order to represent our clients. Professional liability insurance rates are likely to increase to cover the heightened risk of loss, as are compliance costs as firms work to safeguard this information.</p> <p>Under its new proposal, USCIS is proposing to require that I-864 forms be notarized by a notary public in order to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>Further, no other immigration form, not even the new I-944, has a notarization requirement. It is duplicative, unnecessary, and apparently required only to increase the burden on potential sponsors. This requirement would impose unnecessary costs, travel</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> |

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|      |               | <p>burdens, and logistical challenges. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID- 19) pandemic.</p> <p>Therefore, I oppose the agency's proposal and urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p>  | <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>No changes will be made based on this comment.</p> |
| 60.1 | Diana Gibaldi | <p>Requiring documents to be notarized during a pandemic is unsafe for all parties and is an unnecessary step in this process. Regardless of the pandemic, this would not be an improvement to the current system and would place a burden on families trying to immigrate to the U.S. The bureaucracy and red tape required in this process ought to be streamlined and made more efficient. Rather, it is a process that requires someone to physically take printed material to another person to handle, sign and then mail. This is creating a measure that endangers the health and safety of immigrant families and is another barrier to a legal pathway here.</p> | <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p>  |

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| 61.1 | Margaret Shippert | <p>The United States Citizenship and Immigration Services (USCIS) has introduced changes to immigration Form I-864/Affidavit of Support (and related forms) that would require U.S. citizens and resident sponsors to provide detailed bank account information in addition to the existing financial information requirements. The proposed changes would also require forms to be notarized by a notary public which is unnecessary and inconvenient and has no legal basis. The proposed changes would impose unnecessary and significant burdens on immigrant families, and would not contribute to the improvement of our current immigration system.</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it 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).</p> |
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|      |                |  | <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p>                                |
| 62.1 | Susan Loucks   | <p>I am not in favor of these proposed changes to immigration Form I-864/Affidavit of Support (and related forms). Speaking as someone who was once a notary public in the state of Massachusetts, notaries do not provide value for cost. I was not given guidance as a notary - I bought the equipment, signed documents, and put them in my ledger, without that meaning anything to either me or the people whose documents I notarized. I don't see why increasing bureaucracy and cost is an improvement to our already cumbersome and inefficient immigration system. Please suggest changes that lead to less paperwork, not more.</p> | <p>No changes will be made based on this comment.</p>  |
| 63.1 | Melissa Chavin | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0176&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0176&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>I am a US lawyer practicing immigration law since 2006 under license from New York and Connecticut (inactive, but licensed and in good standing in Texas). I am based in London, United Kingdom. The new regulations would require notarization of signature from the sponsors. Affidavit of Support forms already require signature</p>                                 | <p>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</p> |

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|  |  | <p>under penalty of perjury. Often sponsors are located outside the United States, as they are spouses living with their foreign partners abroad. These US citizens plan to move to the US with their foreign national spouse, as soon as their immigrant visa is obtained. They do not have access to American notary publics, except through the US Embassy in London (USE London). The USE London notary publics would be unduly burdened to have to have I-864 notarization added to their duties. Notary publics in the United Kingdom, and much of Europe, are highly trained and provide more than just signature witnessing services. As such, they charge lawyer rates for their services, as opposed to the often free service provided by bank branches in the United States.</p> <p>This revision proposes to collect detailed bank account information from half a million sponsors annually on both the Affidavit of Support for a principal sponsor and a joint sponsor, as well as a member of household. This includes account holder name, joint account holder name, name of bank, bank account number and bank routing number. This information would be invasive information collection from US citizens by the Department of Homeland Security/ USCIS. The information is private financial information which could be used for maleficent purposes in the wrong hands. It is not required information to determine whether the applicant would become a public charge, when tax, employment, and income information are already part of the Affidavit of Support package. Please do not expose hundreds of thousands of US citizens and legal permanent residents to cybercrime and identity theft with unnecessary information collection burdens.</p> <p>I oppose collection of the gender of the sponsor. This information is</p> | <p>Member is actually the sponsor or household member agreeing to the support obligation. 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.</p> <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>Gender is a piece of biographical information that USCIS collects across many of our forms to help facilitate identity verification where needed.</p> |
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|      |              | not relevant to whether under the totality of the circumstances the immigrant would become a public charge  |  |
| 64.1 | Janice O     | I am writing to OPPOSE the proposed revisions that would require all related forms to be notarized by a notary publican unnecessary and inconvenient regulation with no legal basis. The proposed changes would impose needless burdens on immigrant families, and would not contribute to the improvement of our current immigration system. | <p>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. 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.</p> <p>No changes will be made based on this comment.</p> |
| 65.1 | Sally Ahnger | I am opposed to these changes. The changes requested present onerous and unnecessary requirements for people filling out the Immigration form. If you have the tax info, you don't need bank  | <p>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</p>   |

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|  |  | <p>account info - that's an invasion of privacy. Also requires forms to be notarized makes it that much harder for immigrants.</p> | <p>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. 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.</p> <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |
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| 66.1 | Danielle Carne | <p>I am writing to oppose requiring U.S. citizens and resident sponsors to provide in-depth bank account information in addition to the extensive tax documentation requirements already in place. The proposed revisions would also require all related forms to be notarized by a notary public an unnecessary and inconvenient regulation with no legal basis. The proposed changes would impose needless burdens on immigrant families, and would not contribute to the improvement of our current immigration system. In fact, it would seem to be designed to bury immigrants in red tape when we should be welcoming them in anticipation of the Covid-19 death toll.</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>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. 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</p> |
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|      |        |  | <p>that may not wish to assume the significant financial responsibility of sponsorship.</p> <p>No changes will be made based on this comment.</p>  |
| 67.1 | K C Li | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes.</p> <p>As an attorney I have assisted many US citizens and permanent residents who sponsored their foreign immediate relatives and relatives to USA in the past 38 plus years. These are my comments.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |

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|      |  | <p>number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p> <p>As the forms will be used by the foreign relatives oversea and the banking information is highly sensitive and protected under US law it will make many potential sponsors Nervous as it may get into the wrong hands when these informations are sent out.</p> |  |
| 67.2 |  | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal to require that these forms</p>               | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. In addition, since this requirement helps ensure that the individual signing the Form I-864, I-864EZ, or Form I-864A is</p> |

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|      |                 | <p>must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors .</p> <p>I recalled that in the very beginning the Form was required to be notarised and later it was changed to do away with the notarisation. We all believed that was indeed a great improvement on the part of the government. But now going backward with no actual benefits but causing tremendous burden to US citizens are not justified nor reasonable under the circumstances.</p> <p>In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> | <p>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.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>No changes will be made based on this comment.</p> |
| 68.2 | Alethea Gerding | <p>Requiring a notary creates a needless burden for these families, and will slow down efficiency which is necessary for both the people responsible for the procedures and for the families reliant on decisions.</p>   | <p>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</p>  |

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|      |               |  | <p>the Contract Between Sponsor and Household Member is actually the sponsor or household member agreeing to the support obligation. 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.</p> <p>No changes will be made based on this comment.</p>   |
| 69.1 | Nydia Gallego | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>As a practicing immigration attorney I know that applicants for residency very much appreciate and value a sponsor's decision to offer their support and to sign a legally binding contract with the Government on their behalf. At the time of signing the Affidavit of Support the sponsor is aware of the rules, seriousness and legally binding commitment to be financially responsible for the alien to</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>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</p> |

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|  | <p>the U.S. Government, and willingly provides the government with sufficient evidence of his financial assets that show his or her ability and willingness to offer support to the alien and willingly signs the Affidavit of Support under penalty of perjury.</p> <p>The present rules mandate disclosure of more than enough information, which under the present rules the sponsor already provides through filings of his or her tax returns, W2s, employment letters, and even on his assets.</p> <p>The new requirements USCIS is proposing would add an unnecessary burden and would needlessly intrude into an sponsor's private affairs without adding any information the Government is already able to discover.</p> <p>In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p> <p>These new requirements are obviously a way for the Government to deter many sponsors to offer their financial support to family and friends and thereby add restrictions to legal immigration.</p> <p>In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> | <p>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. 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.</p> <p>No changes will be made based on this comment.</p> |
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| 70.1 | Camlinh Rogers, Esq. | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public.</p> <p>I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ because in doing that:</p> <ol style="list-style-type: none"><li>1. USCIS violates the civil rights of the petitioner and/or join sponsor. Bank account is a highly private information as such cell phone unless a crime is committed (see multi Supreme Court cases)</li><li>2. USCIS violates Section 5 United States Code 706(1) and Norton v. S. Utah Wilderness Alliance, 542 U.S. 55 (2004) (the Congress requests the petitioner to prove financial capacity to support the beneficiary. All necessary information has been verified by I-944).</li><li>3. USCIS simply creates unnecessary burden for the petitioner and/or the cosponsor, which is not supported by the U.S. Constitutional right of pursue happiness.</li></ol> <p>I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>CAMLINH Nguyen Rogers, Esq.</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>USCIS disagrees that the proposed changes violate 5 U.S.C. 706(1), the case law, or civil rights.</p> <p>No changes will be made based on this comment.</p> |
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| 71.1 | Missy Guenther | I don't believe this unnecessary, burdensome regulation will improve our current system.  | No changes will be made based on this comment.   |
| 72.1 | Holly Pai      | <p>The is a Comment on the U.S. Citizenship and Immigration Services (USCIS) Notice: Agency Information Collection Activities; Revision of a Currently Approved Collection: Affidavit of Support Under Section 213A of the Act</p> <p>For related information, Open Docket Folder</p> <p>Comment</p> <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075.</p> <p>USCIS is proposing that Petitioner's/Sponsors submit personal and time-consuming information in order for them to financially sponsor a relative. In addition, USCIS is proposing that these forms would need to be notarized - a burdensome and unnecessary requirement. For the reasons outlined below, I oppose these proposed changes to Form I-864. I urge USCIS to reconsider the impact these changes could make and to remove these requirements on the new form edition.</p> <p>I am an immigration practitioner in the state of Washington. I live and work just 20 minutes from the Canadian border and much of</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing</p> |

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|  |  | <p>my practice consists of US citizens petitioning for their Canadian spouse. My clients are mostly upper-middle class, professionals. These requirements would be intrusive and insulting to the thousands of US citizens attempting to have to their spouse live in the same country as them.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS is proposing to add a new requirement to the Form I-864 which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment.</p> <p>In some limited circumstances where the sponsor is using assets,</p> | <p>COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |
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|      |  | sponsors are already required to provide evidence of those assets by submitting copies of bank statements.   | No changes will be made based on this comment. |
| 72.2 |  | <p>Moreover, this new requirement raises significant privacy concerns. Requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p> <p>Much of my correspondence with clients is done via email and we send documents back and forth via email, or uploading into shared cloud drives. Having sponsors send such information via email/cloud sets them up to be victims of cyber crime or hacking.</p> <p>Requiring Form I-864 to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>Currently, the Form I-864 require sponsors to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal to require that these forms must now be notarized by a notary public violates the</p> | See response provided at 72.1.                 |

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|  |  | <p>Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors whose income and/or assets are being used to qualify a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of COVID 19</p> <p>In addition, the requirement of having a form notarized by a notary public does not increase the security or accuracy of these forms. Notary publics merely notarize that the person signing the document is who they purport to be. They in no way verify the information contained in the document.</p> <p>In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> |  |
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| 73.1 | Beth Stickney, Maine Business Immigration Coalition | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0202&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0202&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>The proposed form revisions will result keep families apart and result in reduced family-based immigration and increased demographic challenges in our aging country. The proposed form revisions will result in reduced family-based immigration to the U.S. Many U.S. citizens and permanent resident family-based petitioners need household members or joint sponsors to to sign the I-864 form. The requirement that sponsors or joint sponsors provide their bank account information, which in this age of identity theft is generally closely guarded, or that they must have a notary witness their signature, will make it even harder for petitioners to get joint sponsors. Much of Maine's population lives in rural areas, and getting a notarial signature can entail a long drive and substantial effort. And this is not just a Maine problem - potential I-864 sponsors or joint sponsors in other states with rural populations would face similar challenges in executing the I-864 if a notarial signature is required. In Maine, more than two-thirds of immigrants annually are family-based immigrants. From 2010 to 2016, Maine gained barely more than 3000 new residents. Without family-based immigration, Maine would have experienced a net population LOSS during those years. And Maine is the nation's oldest state. Maine's population of people over age 65 is already larger than its population of people under 18. Simply put, family-based immigrants are essential to Maine's demographic and economic future. Maine's family-based immigrants tend to be younger, more highly educated and are inclined to have more children (our next generation of workers) than native Mainers. Adding needless new requirements to the I-864 that will dissuade potential sponsors and joint sponsors from signing the form, resulting in the inability of qualifying family members to immigrate, will harm Maine's families</p> | See responses below. |
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|      |  | <p>communities, Maine's employers, Maine's economy, and Maine's future. And while Maine is ahead of the rest of the nation in terms of our aging demographics, the rest of the country is not far behind. This proposed I-864 changes goes against the nation's economic interest and while ostensibly just a change in a form, is in fact a bad policy choice. The proposed changes should be withdrawn for those reasons, as well as for the specific objections raised below.</p>   |   |
| 73.2 |  | <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide detailed bank account information. There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements. Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p> | <p>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).</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p> |

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| 73.3 |  | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I864A and Form I-864EZ, to be executed under penalty of perjury.</p> <p>Furthermore, the agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision. And as noted previously, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID- 19) pandemic. In conclusion, I oppose the agency's proposal and urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> |
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|      |           |   | <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>No changes will be made based on this comment.</p>   |
| 74.1 | John Egan | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. I oppose these changes. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS wants to add a requirement to the Form I-864 and related Forms I-864A and I-864EZ to require U.S. citizens and lawful permanent residents sponsoring their foreign relatives for a green card to provide in-depth bank account information. Sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing</p> |

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|  |  | <p>There is no legal authority for USCIS to require this information. Bank account information is not necessary to verify the sponsor or household member's income. That is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment.</p> <p>This is just one more way to impose unnecessary hurdles in the process, and discourage applicants.</p> <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>Currently, Form I-864 and related Forms I-864A and I-864EZ permit the sponsor to sign these forms under penalty of perjury. USCIS is proposing to require that these forms be notarized by a notary public. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury.</p> <p>This proposal adds undue and unnecessary burdens on sponsors and the household members by imposing unnecessary costs, travel burdens, and logistical challenges.</p> <p>This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders as a result of the 2019 novel coronavirus (COVID- 19) pandemic.</p> <p>I urge USCIS to remove these requirements before the new editions</p> | <p>COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |
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|      |            | of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.  |  |
| 75.1 | Diane Paul | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |



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|      |                  | <p>in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> <p>Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p>   |  |
| 76.1 | Mary Jane Cotter | <p>I respectfully submit this comment in opposition to proposed changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. I urge the USCIS to remove these requirements before the new editions of these forms are released to the public. My comments are based on my experience as an attorney and social worker serving families and children in New York City.</p> <p>USCIS states that it has made changes to Form I-864 and related documents "to better inform sponsors and household members of their support obligations and better ensure the support obligation . . . will be met." However, USCIS's proposed requirements are neither relevant or necessary to this purpose.</p> <p>USCIS proposes a requirement that sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) provide the name of the banking institution, the number of the bank account, the routing number of the account, the</p> | <p>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. 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.</p> |

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|  |  | <p>account holder's name, and the name of any joint account holders. However, USCIS already has the ability to verify the sponsor's or household member's income through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment.</p> <p>Moreover, this new requirement raises significant privacy concerns. Identity theft is widespread and requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p> <p>USCIS is also proposing to require that these forms be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. In effect, USCIS is imposing a new requirement via a form revision and this proposal violates the Administrative Procedure Act.</p> <p>Further, the proposed requirement to have the form notarized by a notary public also adds undue and unnecessary burdens and costs on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card, and is especially burdensome at a time of social distancing protocols and stay-at-home orders being imposed as a result of the COVID-19 pandemic.</p> <p>In sum, I strongly oppose USCIS's proposal that would require,</p> | <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |
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|      |                 | <p>among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p>  | <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>No changes will be made based on this comment.</p>   |
| 77.1 | Eileen Gormly   | <p>Please stop adding red tape for no reason to make things hard for asylum seekers to the United States. This is punching down with a vengeance and fearful, hate-filled heart. There is no logical reason for this. It adds nothing other than pain, difficulty, and hardship to people already suffering. Just stop adding stuff like this.</p> <p>I oppose this completely. It is a waste of resources for everyone. STOP making things harder on people. This doesn't make any of us safer and we are in desperate need of new people in this country. We are founded on taking in all peoples who want to make a new life. Let us keep up our values and traditions instead of trying to keep out the new. The new sustains us.</p> <p>Thank you,</p> | <p>No changes will be made based on this comment.</p>  |
| 78.1 | Allyson Whipple | <p>I oppose the changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. I oppose the proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ that require lawful US citizens and permanent residents to provide in-depth bank account information and have those forms notarized. I urge the agency to remove these</p>  | <p>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</p> |

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|  |  | <p>requirements before the new editions of these forms are released to the public.</p> <p>There is no legal reason why bank account information should be required, and USCIS has no authority to require it. There are other methods in place to verify income, such as tax forms (If people aren't submitting their taxes, there are bigger problems!) and letters of employment. Sponsor forms and letters can also verify income and assets. We already have the infrastructure in place. Requiring bank account information is invasive, and also a personal security risk. Cybercrime is a constant threat, and as our lives move more and more online, that risk increases by the day. It seems like data breaches are part of the national landscape now. I do not trust USCIS to keep people's private financial data safe. If that information is compromised it could be financially devastating. We do not need another avenue for people to become financial crime victims.</p> <p>The notary public requirement is also burdensome and unnecessary. Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. The notary public requirement is inconsistent with federal law, and violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision. Household members and sponsors already have heavy requirements placed upon them. Adding this doesn't actually help. Furthermore, in light of COVID-19, it's especially unhelpful.</p> | <p>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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>With regards to the collection of bank account information, it will be used to evaluate that sponsors and household members can meet their</p> |
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|      |                   |   | <p>support obligations under INA 213A, and sponsors have demonstrated the means to maintain income as required by INA 213A(f)(6).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p>   |
| 79.1 | Cathleen Dinsmore | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>I am a practicing immigration attorney for a nonprofit organizations representing low income immigrants. The proposed requirements for sponsors would significantly impact my clients in several</p> | <p>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. 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</p> |

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|  |  | <p>significant ways.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> <p>These new requirements would place an undue burden on sponsors an expose them to a greater threat of identity theft and cyber crime as well as unnecessarily diminish their right to privacy. Consequently, some potential sponsors will decide the risks and threats are not worth being a sponsor.</p> | <p>integrity of the immigration system and individuals that may not wish to assume the significant financial responsibility of sponsorship.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the</p> |
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|      |  |   | same manner as other sensitive information possessed by USCIS.<br><br>No changes will be made based on this comment. |
| 79.2 |  | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>Working remotely to serve my low income immigrant clients during COVID-19 has made it extremely difficult, if not impossible, to forward original documents to my clients, have them sign the documents, and then return those documents to me in a reasonable time. Requiring that documents be signed in front of a notary public would be not only unfeasible but also unreasonable,</p> | See response to 79.1   |

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|      |                        | <p>not to mention unnecessary given all the other information the sponsor must provide and the government has at its disposal to determine financial eligibility. Our country relies heavily on immigrants and, particularly, low income immigrants who fulfill our country's employment needs for manual labor and other essential jobs many citizens are unwilling to perform.</p> <p>In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> |  |
| 80.1 | Anonymous<br>Anonymous | <p>I am in opposition to this proposed change as it is not only unnecessary but also borderline invasive as the required information is already provided by means of Tax returns/transcripts etc. I believe it is not in the best interest of the sponsors or the intending immigrants to place added pressure on them while navigating an already sensitive and somewhat stressful process.</p>  | <p>No changes will be made based on this comment.</p>  |
| 81.1 | NK Stevenson           | <p>I am writing because I have become aware that the The US Citizenship and Immigration Services has introduced changes to the immigration Form I-864/Affidavit of Support and other related forms.</p> <p>I am writing to oppose these changes that would require U.S.</p>   | <p>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</p> |



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|  |  | <p>citizens and their sponsors to provide detailed bank account information for many reasons bur especially because extensive tax documentation requirements are already required.</p> <p>These proposed revisions would also require the variety of forms to be notarized by a notary public which I feel is an unnecessary and inconvenient regulation that carries no legal regard.</p> <p>In summary, I oppose these proposed changes because they would impose severe burdens on immigrant families and would not cause any improvements to our current immigration system.</p> <p>Thank you!</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the</p> |
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|      |                  |  | <p>same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p>  |
| 82.1 | Forrest McDonald | <p>I am from CA ZIP 94403, and I am commented against the proposed process revisions.</p> <p>The existing process already requires the US Citizen and resident sponsors to submit extensive tax documentation; the addition of the in-depth bank account information is superfluous and onerous.</p> <p>Additionally, requiring notarization of all of the documents adds redundant burdens on the immigrant families and their sponsors. The Form I-864 process already carries significant penalties for falsifying information; the notarization process will not significantly contribute to the submission of accurate information.</p> | <p>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. 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.</p> <p>With regards to the collection of bank account information, it will be used to evaluate that</p> |

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|      |              |  | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |
| 83.1 | Cecilia Ball | <p>The proposed changes to the immigration rules should not be implemented and are yet another disgrace for our country.</p> <p>Countries across the world have taken on the responsibility of aiding refugees fleeing their home countries for fear of their lives. I've seen the housing that Spain built in the Canary Islands for refugees from Africa and I've seen the housing that Turkey built to for its Syrian refugees until it ran out of funds to do so. Turkey, a predominantly Muslim country has, at this point, taken in 3.6 million Syrian refugees - more than any other country.</p> | <p>USCIS posted a Federal Register Notice requesting comment on a revision to an information collection, not a proposed regulation.</p> <p>No changes will be made based on this comment.</p>   |

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|      |                 | <p>Yet here in the United States, the 2019 ceiling for Latin American and Caribbean countries was set at 3,000, in spite of the fact that the majority of our produce is picked by illegal immigrants from Latin America. As Covid19 has proven, these people are desperately needed to pick our crops. Farmers will continue to use illegal immigrants to pick crops and Slaughter houses will continue to use illegal immigrants to kill and butcher meat because it's so much easier to bully illegal immigrants into accepting poor and dangerous working conditions and substandard pay. These new rules are simply another way to insure the United States has a "slave" class of people to do it's hardest jobs.</p> <p>If this administration really wants people to carry their own weight, it would never have allowed obscenely rich companies to drain the funds which were meant to help small businesses in the Covid19 relief legislation. Collectively, small businesses are the largest employers in this country.</p> <p>These new rules are shameful - and anyone who had a hand in crafting them or justifying them should be ashamed.</p> |   |
| 84.1 | Donna Dominguez | <p>I am writing in opposition to the USCISs proposal to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank</p>  | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally</p> |

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|      |            | <p>account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> <p>Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p> | <p>identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made as a result of this comment.</p>   |
| 85.1 | Lisa Liang | <p>I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the</p>  | <p>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</p> |

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|  |  | <p>public.</p> <p>Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. The new requirement also raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p> <p>The notary public requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID- 19) pandemic.</p> <p>The new requirements would impose needless burdens on immigrant families, and would not contribute to the improvement of our current immigration system.</p> <p>Again, I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> | <p>the Contract Between Sponsor and Household Member is actually the sponsor or household member agreeing to the support obligation. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a</p> |
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|      |               |  | <p>requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p>   |
| 86.1 | Rachael Grant | <p>The additional requirements of notarization and bank account information do not make sense and seem to have no purpose other than making the Affidavit of Support more difficult, time-consuming, and unnecessarily invasive. The instances of having to enforce a sponsor's contract are exceedingly rare and there are already existing provisions in the law for such enforcement--which are not made any easier by these new requirements. Why should sponsors have to provide their bank account information? The government doesn't have the authority to levy those bank accounts, even if the sponsored immigrant later does end up getting public benefits. Having a sponsor's bank account number does not further any adjudicative outcome. As for notarization--what purpose does that serve? The sponsor is already swearing under penalty of perjury that the information is correct. I am a notary public, and I know that a notary's acknowledgement only confirms the identity of the signer--the notary public doesn't independently confirm the truth of any information in the document. If the Service has doubts about the authenticity of a sponsor's signature or identity, there are mechanisms in place for probing that issue more deeply. But having a notary public re-confirm every sponsor's sworn attestation is an overreaction,</p> | <p>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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to</p> |

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|      |  | <p>particularly because it (1) exposes the sponsor's personal information to more strangers, and (2) requires the sponsor to travel to and pay a notary public, who must sign and stamp the documents in person. In a time when the government is supposed to be encouraging everyone to reduce their movement and interpersonal contacts due to COVID-19, why is the immigration service seeking to impose additional unnecessary social contacts between strangers? Neither of these requirements are rational or logical, unless you consider the unstated, just-barely-hidden-beneath-the-surface purpose of reducing legal immigration. Needless to say, that is NOT a legitimate purpose of this agency.</p> | <p>make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |
| 87.1 | Evangelina Alvarez,<br>The Michigan<br>Immigrant Rights<br>Center (MIRC) | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0205&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0205&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>The Proposed Revisions to the Instructions and Forms are Not Written in Plain Language The additional language proposed in the revised instructions and forms do not conform to the Plain Writing Act of 2010 (Public Law 111-274) and OMB Guidance implementing</p>   | <p>USCIS has reviewed the forms and instructions for plain language and legal accuracy. Where possible, USCIS has employed plain language to improve readability and avoid unnecessary complexity. However, USCIS must also ensure that sponsors</p>  |



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|      |  | <p>the Act7 . Specifically, the Guidance states that “avoiding vagueness and unnecessary complexity makes it easier for members of the public to understand and to apply for important benefits and services for which they are eligible.” Plain language makes it easier for the public to comply with applicable requirements simply because they will better understand what they are supposed to do.” Throughout this comment, we note the many ways the proposed revisions to the instructions and forms create more complexity, and in some instances, are vague, which makes it more difficult for the public to understand their rights and responsibilities. The confusion resulting from these proposed changes will inevitably lead to costly and inefficient operations of federal agencies and create more challenges for the public using the forms as they try to understand and navigate the additional information.</p>   | <p>and household members have all the information they need to properly complete the forms and understand the specific legal obligations to which they are agreeing.</p>   |
| 87.2 |  | <p>I. Comments on Proposed Revisions to Instructions to Form I-864 Means-tested benefits, page 1 In the second paragraph, we are concerned with the replacement of the modifier “designated”, with “any” Federal, state, or local means-tested public benefits. The instruction then references Part 9 of the contract. Part 9 only refers to the section of federal law that specifies federal programs that are not considered federal means-tested public benefits for purposes of deeming and sponsor liability. Federal benefits determined to be means-tested for purposes of deeming and sponsor liability are Supplemental Security Income (SSI), food stamps (Supplemental Nutrition Assistance Program or SNAP), Temporary Assistance for Needy Families (TANF), Medicaid (non-emergency), and the Children’s Health Insurance Program (CHIP). The U.S. Department of Health and Human Services outlined the very specific criteria to determine which federal public benefits meet the definition of federal means-tested public benefits under</p> | <p>Form I-864 is governed by INA 213A and 8 CFR 213a. 8 CFR 213a.1 defines means- tested public benefits as “either a Federal means-tested public benefit, which is any public benefit funded in whole or in part by funds provided by the Federal Government that the Federal agency administering the Federal funds has determined to be a Federal means-tested public benefit under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, or a State means-tested public benefit, which is any public benefit for which no Federal funds are provided that a State, State agency, or political subdivision of a State has determined to be a means-tested public benefit...” Therefore, if the benefit granting agency</p> |

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|      |  | <p>the 1996 welfare law.<sup>8</sup> Finally, the regulations require that federal, state, and local government agencies issue a public notice of their determinations of which benefits, if any, under their jurisdiction would be considered federal, state, or local means-tested public benefits for purposes of these laws. The regulations expressly state that sponsors are not liable for reimbursing government agencies for any benefits received by the sponsored immigrant prior to the time that this public notice is provided. See 8 CFR 213a.4(b). Recommendation: Use of the word “any” is overbroad and will cause confusion for sponsors as well as for the sponsored immigrants regarding which benefits are potentially subject to reimbursement under the contract. We believe that the language regarding which benefits are included be limited to the means-tested benefits that have been designated specifically as such by the federal, state, or local entity administering the benefits per regulation.</p> | <p>hasn’t determined the benefit to be a means-tested public benefit, it is not considered.</p>  |
| 87.3 |  | <p>Sponsor and Beneficiary Liability, page 3 We believe that the addition of the sentence “Under section 213A of the Act, if the individual you are sponsoring receives means-tested public benefits, you must reimburse the agency that provides the benefits, and the agency that provides the benefits may be able to sue you to recover the cost of the benefits provided if you do not reimburse the agency” will cause confusion among both immigrants and their sponsors. The sentence removes an important step in the process, among others, that the agency providing the benefits must make a request to the sponsor for repayment of the benefits. If this step is removed, one could read the sentence as requiring the sponsor to repay the agency whenever the sponsored immigrant receives the benefit, regardless of whether the agency has taken any action to notify the sponsor, seek reimbursement or determine whether liability applies. See 8 U.S.C 1183a(b)(1). Recommendation: The</p>                          | <p><u>Under section 213A of the Act and 8 CFR 213a.4, a sponsor must reimburse the agency upon request of reimbursement. USCIS has made edits to Form I-864 and Form I-864EZ as a result of this comment. The language has been modified to read, “...upon request, you must reimburse the agency that provides the benefits.” (Edits in italics.)</u></p> |

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|      |  | language should mirror the language in the second paragraph under the Section “Means-tested Public Benefits,” with the modification above limiting it to designated benefits and adding the italicized additional helpful language. It should read: “If an immigrant sponsored in this affidavit receives designated Federal, state, or local means-tested public benefits after having become a lawful permanent resident and while the affidavit of support is in effect, the agency providing the benefit may request that you reimburse the agency for the cost of those benefits. That agency can sue you if you do not reimburse the benefit-granting agency for the cost of the means-tested public benefits provided.” |   |
| 87.4 |  | Liability Due to Misinformation Similar to the section above, it is unclear why USCIS is including information about liability stemming from other federal agencies’ programs and statutory authorities. We are unsure as to how this is related to the affidavit of support and it could cause confusion and concern that it is related to the immigration process. It is also unnecessary and confusing to include the last paragraph regarding its inapplicability to refugees and other categories of individuals who are not required to file an I-864. Recommendation: Strike this section entirely.   | INA 213A, 8 CFR 213a and Form I-864 deal with support obligations, which includes reimbursement. This section provides additional clarity on joint and several liability and was added to ensure sponsors are better informed of their obligations. USCIS notes this does not alter the existing support obligations under INA 213A. No changes will be made based on the comment.                                  |
| 87.5 |  | II. Comments on Proposed Revised Form I-864 Part 9. Sponsor’s Contract, Statement, Contact Information, Certification, and Signature 4 What if I Do Not Fulfill My Obligations? We are concerned about the following paragraph: “If a Federal, state, local, or private agency provided any covered means-tested public benefit to the person who becomes a lawful permanent resident based on this Form I-864 that you signed, you are responsible for reimbursing the agency for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe. If you fail to reimburse the benefit-granting agency, you may become                | USCIS is editing the Sponsor’s Certification statement in response to this comment. The language will be changed from “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future” to “If you fail to reimburse the benefit granting agency <i>upon request</i> , you <i>may be found</i> ineligible to <i>be a</i> sponsor in the future” (edits in italics). |

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|  |  | <p>ineligible to sponsor anyone in the future.” The proposed revised language removes the required step, among others, that the benefits granting agency request reimbursement before the sponsor is required to repay the benefits. This may lead the sponsor to believe that they must reimburse the benefits-granting agency upon the sponsored immigrant’s receipt of the benefits, regardless of whether the agency has taken any action to notify the sponsor, seek reimbursement, or determine whether liability applies. See 8 U.S.C 1183a(b)(1). The proposed addition of the last sentence regarding the possible disqualification of the sponsor to sponsor anyone in the future is not authorized by statute. There is no legal basis for this statement. The statute sets forth the requirements for being a sponsor or joint sponsor. 8 U.S.C 1183a(f). The regulations further define the requirements for being a sponsor. 8 CFR §§ 213a.2(c)(1)(i)(A), (B), and (C)(1). Neither the statute nor the regulations contain language stating that the reimbursement of means-tested benefits for other sponsored immigrants is a requirement for being a sponsor. The agency cannot create new law through amending a form. The 30-day notice acknowledges this by stating: “The regulations governing the Affidavit are provided in 8 CFR 213a, and will not be changed by this form change.”</p> <p>However, adding the above sentence would effectively change the regulations. Moreover, the proposed additional language implies that the sponsor’s obligations continue without exception and in perpetuity, even after the sponsored immigrant becomes a U.S. citizen. Recommendation: Replace the above paragraph with the following: “If a Federal, state, local, or private agency provided designated means-tested public benefits to the person who has become a lawful permanent resident based on a Form I-864 that you signed, while the I-864 is in effect, the agency may ask you to reimburse them for the amount of the benefits they provided. If</p> |  |
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|      |  | you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.”  |   |
| 87.6 |  | <p>Sponsor Certification, page 8. We are concerned about the expansion of the certification section that includes authorizations for release of information. These releases of information include personal identifying information that sponsors are asked to agree to as part of executing the affidavit of support that are not related to law enforcement or administration of the programs. Section F, which refers to the Sponsor and Beneficiary Liability section in the instructions, does not include any reference to a sponsor’s responsibilities under the Social Security Act or the Food Stamp Act. It is unclear of what specific responsibilities the sponsor is certifying to being aware. Furthermore, it is outside the scope of USCIS’ authority to require certification of awareness of the statutory authorities of other federal agencies. Recommendation: Strike the second part of the sentence, “and am aware of my responsibilities as a sponsor under the Social Security Act, as amended and the Food Stamp Act, as amended.”</p> | <p>INA 213A(a) and (b) and 8 CFR 213a explain sponsor obligations and responsibilities when executing the Affidavit, including reimbursement of public benefits. The sponsor certification ensures the sponsor is aware and agrees to these obligations. The current I-864 already has language authorizing the release of the information for the administration and enforcement of immigration laws as is permitted by INA 213A. The added consent language clarifies that this includes release of information to DHS from the means-tested public benefit agencies for the purpose of administering and enforcement of immigration laws under the same authority.</p> <p>USCIS notes that the new consent language specifically concludes with “and only as permitted by law.” Therefore, the consent language does not permit disclosure for an unlawful purpose.</p> <p>Finally, sharing the information at issue with DHS is consistent with the referenced statutes because it permits an administering Federal or State agency, working with DHS in support of the efficient administration of its program, to better administer</p> |

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|      |  |   | <p>sponsorship requirements, including pursuit of recoupment when warranted from a sponsor who is a liable third party. This information collection supports the purposes of Federal means-tested public benefit programs in assisting the valid administrative needs of the respective programs as they relate to the sponsorship obligations found at section 213A of the INA, 8 U.S.C. § 1631, in DHS regulations at 8 C.F.R. Part 213a, and in applicable guidance.</p> |
| 87.7 |  | <p>In new Sections L and M, the sponsor must authorize agencies and entities that administer or oversee means-tested public benefits to disclose information concerning the sponsor’s obligations to Department of Homeland Security (DHS) and the Department of State (DOS). It is unclear what authority DHS is using to require this. Only the Federal, state, or local agency that provides the means-tested public benefit have the authority to enforce the affidavit of support. DHS and DOS have no authority and play no role in enforcement, other than DHS providing copies of the affidavit of support to the benefits granting agency and verifying whether the affidavit is valid. The benefits agency is not obligated to provide information to DHS and DOS regarding sponsor reimbursement. In fact, the agency may violate their own program rules by disclosing the information. State and federal laws protect the confidentiality of individuals who apply for or receive public benefits. The federal statute under which the Systematic Alien Verification for Entitlements (SAVE) program was established permits information sharing for the purpose of program administration, and the limited purpose of enforcing child support obligations. The statute also requires states to have adequate safeguards to ensure that any information exchanged is protected against unauthorized disclosure</p> | <p>Same response as 87.7.</p>   |

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|  |  | <p>and is made available only to the extent necessary to assist in the valid administrative needs of the program (42 U.S.C 1320b-7(a)(5)). The authorizations requested in the proposed revised I-864 fall outside of the parameters authorized by the SAVE and other benefits statutes and regulations. In establishing the SAVE system, Congress granted specific authorization to HHS to receive information for child support purposes. 42 U.S.C 1320b-7(a)(4)(B). See also 42 CFR 435.945(c). There is no similar grant of authority to DHS or USCIS. The absence of a similarly specific authorization for information sharing with USCIS for use by USCIS suggests that it is barred by the more general protections against sharing information. Notably, the statute that governs the enforcement of the affidavit of support grants authority to the Attorney General to provide information that can be retrieved through the SAVE system, about whether a person has an enforceable affidavit. 8 U.S.C 1183a(a)(3)(C). No similar authorization exists for states to report their own activities with respect to sponsor reimbursement. And the regulations implementing that provision address only USCIS' provision of information to the states, upon request from the state. 8 CFR 213a.4(a)(v)(3). Neither 8 U.S.C 1183a (the affidavit of support statute), the SAVE statute, nor any other statute, authorizes USCIS to require sponsors to consent to allow other federal and state and local agencies to share information about them as a prerequisite for becoming a sponsor. 42 U.S.C 1320b-7(A)(5)(B) grants various federal agencies the authority to determine the purposes that fall within the scope of administering the program, versus the "other purposes" for which unauthorized disclosure must be protected (e.g. Secretary of Labor for unemployment compensation). The section below it, 42 U.S.C 1320b-7(d) does not grant DHS/USCIS any similar authority. States that operate health care, nutrition, or economic support programs</p> |  |
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|      |  | <p>agree to protect the information, and to use and disclose it only for the purposes of determining eligibility or administering the program, with very limited exceptions. For example, the Medicaid program requires states to safeguard information concerning applicants and recipients by restricting the use or disclosure of such information to purposes directly connected to the administration of the plan, with few exceptions. See 42 U.S.C 1396a(a)(7). Similarly, state agencies that administer SNAP must include in their state plans safeguards that prohibit the use or disclosure of information obtained from applicant households except for the administration of the program or enforcement pursuant to the SNAP statute or other federal assistance programs. See 7 U.S.C 2020(e)(8). Critical for all consumers is the expectation of privacy. The proposed information sharing here falls outside of these permissible uses and adds to the fear and confusion that prevents eligible immigrants and their family members from securing necessary services. By compelling a sponsor to pre-authorize this otherwise impermissible information sharing, DHS is attempting to circumvent these program privacy and confidentiality protections. This is unnecessary, potentially unlawful, and will create additional burdens for benefits agencies. Recommendation: Strike Sections L and M from Part 9.</p> |  |
| 87.8 |  | <p>Section N of the proposed revised form requires sponsors to “acknowledge” that failing to meet the obligations of sponsorship, could render them ineligible to sponsor any other immigrant in the future. There is no statutory or regulatory authority for this exclusion from sponsorship. See above discussion.<br/>Recommendation: Strike Section N.</p>   | <p>USCIS is editing the Sponsor’s Certification statement in response to this comment. The language will be changed from “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future” to “If you fail to reimburse the benefit granting agency <i>upon request, you may be found ineligible to be a sponsor in the future</i>” (edit in italics).</p> |



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| 87.9 |  | <p>III. Comments on Proposed Revisions to Instructions for Form I-864EZ Means-Tested Public Benefits, page 2: In the second paragraph, we are concerned with the statement that “any” Federal, state, or local means-tested public benefits may be subject to reimbursement. The instruction then references Part 7 of the contract. Part 7 refers only to the section of federal law that lists the federal benefit programs that are not considered Federal means-tested benefits. The only federal benefits that have been determined to be “federal means-tested public benefits” for purposes of sponsor deeming and sponsor liability are Supplemental Security Income (SSI), food stamps (Supplemental Nutrition Assistance Program or SNAP), Temporary Assistance for Needy Families (TANF), Medicaid (non-emergency), and the Children’s Health Insurance Program (CHIP). Federal public benefits must meet very specific criteria [see footnote 2] to be considered federal means-tested public benefits under the 1996 welfare law. The statement is not useful in providing guidance on which state and local benefits may be covered. Indeed, the affidavit of support regulations require that federal, state, and local government agencies issue a public notice of their determinations of which benefits are considered “means-tested public benefits” for these purposes. The regulations expressly state that sponsors are not liable for reimbursing government agencies for benefits received before this notice is provided. See 8 CFR 213a.4(b).<br/>Recommendation: Use of the word “any” is overbroad and will cause confusion for sponsors as well as sponsored immigrants. We ask that the contractual language focus specifically on the means-tested benefits that have been designated as such by the federal, state, or local entity administering the benefits per regulation. We recommend replacing the word “any” with “designated,” consistent with the recommended working on the I-864.</p> | Same response as 87.2. |
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| 87.10 |              | <p>Sponsor and Beneficiary Liability, page 3 We strongly object to the revision of the sentence: “Under section 213A of the Act, if the individual you are sponsoring receives means-tested public health benefits, you must reimburse the agency that provides the benefits, and the agency that provides the benefits may be able to sue you to recover the cost of the benefits provided if you do not reimburse the agency.” The sentence removes an important step in the process, among others, that the agency providing the benefits must make a request to the sponsor for repayment of the benefits. This may lead the sponsor to believe that they must reimburse the benefits agency upon the sponsored immigrant’s receipt of the benefits, regardless of whether the agency has taken any action to notify the sponsor, seek reimbursement, or determine whether liability applies. See 8 U.S.C. 1183a(b)(1). Recommendation: The language should mirror the recommended language in the second paragraph under the Section “Means-Tested Public Benefits”, with the modification above limiting it to designated benefits and adding the clarifying italicized language in red: “If an immigrant sponsored in this affidavit receives designated Federal, state, or local means-tested public benefits after having become a lawful permanent resident and while the affidavit of support is in effect, the agency providing the benefit may request that you reimburse the agency for the cost of those benefits. That agency can sue you if you do not reimburse the benefit granting agency for the cost of the means-tested public benefits provided.”</p> | <p><u>Under section 213A of the Act and 8 CFR 213a.4, a sponsor must reimburse the agency upon request of reimbursement. USCIS has made edits to Form I-864 and Form I-864EZ as a result of this comment. The language has been modified to read, “...upon request, you must reimburse the agency that provides the benefits.” (Edits in italics.)</u></p> |
| 88.1  | Susan Permut | <p>I very much oppose making it more difficult for immigrant families and their sponsors to provide more in-depth information about their finances. I believe the regulations already in place are sufficient.</p>  | <p>No changes will be made based on this comment.</p>  |

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| 89.1 | Anonymous               | <p>I am a us citizen and aware of the process it takes to get a loved one to the us via immigration. It is lengthy and requires a lot of documentation. Immigration agents already have access to the sponsors income in the I485 with the income tax. To request bank statements is absurd and not necessary. Not only is it making more work for the agents processing the documents but it is also intrusive to the sponsor. The procedure is already intrusive enough why make more issues and waste more time. Not necessary at all.</p>   | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p>                                    |
| 90.1 | Charlotte Jones-Carroll | <p>I work with a faith group that seeks just and fair treatment of immigrants. The excessive information requirements of this proposed rule change are unreasonable and unnecessary. Sufficient information is available in affidavits of support, including tax returns and related information provided by the sponsor. Banking information is never going to be complete nor is providing it without risk of identity theft. A notarization requirement is not only burdensome and unnecessary, but also risky these days, in the COVID-19 social-distancing period. I believe this is just the latest in a long string of unnecessary bureaucratic demands aimed at delaying the processing of legitimate immigrants.</p> | <p>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. 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</p> |

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|  |  |  | <p>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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |
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|      |                |  | No changes will be made based on this comment.   |
| 91.1 | Anonymous      | I have been done so wrong approval but yet to see a penny of any of my money I've lent security to the government you think I would be able to get housing I see all these addicts and drunks with no children with homes funded by the government and my children and I have been deprived of benefit that could HELP us be a family again and there not giving to us because a social worker in his feelings   | No changes will be made based on this comment.   |
| 92.1 | Joanne Smallen | I am writing in opposition to the USCIS proposed changes to Immigration Form 1-864/Affidavit of Support (and related forms) that would require U. S. citizens and resident sponsors to provide in-depth bank account information in addition to the extensive tax documentation requirements already in place. The proposed revisions, which also include requiring all related forms to be notarized, would impose needless burdens on immigrant families, and would not contribute to the improvement of our current immigration system. | 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. 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 |

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|      |  |   | <p>that may not wish to assume the significant financial responsibility of sponsorship.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |
| 93.1 | Peggy Gleason,<br>Immigrant Legal<br>Resource Center<br>(ILRC) | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0206&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0206&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>I. The Paperwork Reduction Act (PRA) Process is Inappropriate for Substantive Guidance Changes USCIS has proceeded in this process with a collection of information under the PRA. The PRA requires the agency to explain the purpose of the form being produced and its burden on the public. Here, however, much more than a form or collection of information is involved, and the use of the streamlined PRA process is inappropriate. The changes proposed here are not information collection. Instead, they go to the heart of a</p> | <p>USCIS disagrees that it is inappropriate to make the proposed changes as part of the PRA process. See responses below.</p>  |

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|  |  | <p>substantive eligibility requirement that is being finalized without sufficient public notice and comment. U.S. immigration law is centered on the principle of family reunification. The Affidavit of Support (I-864) has been a statutory requirement since the 1996 passage of the Illegal Immigration Reform and Immigrant Responsibility Act, which created the I-864 as a way of enforcing public charge inadmissibility under INA § 212(a)(4). The Affidavit of Support applies principally to family-based visa applicants, who have an absolute requirement to present a sufficient I-864 and supporting documentation at the time they are admitted. The sponsor on the I-864 is, by definition, a U.S. citizen, lawful permanent resident, or U.S. national.<sup>1</sup> The proposed changes have the effect of discouraging family immigration by creating onerous requirements on sponsors that are beyond what is legally required. In addition, the proposed changes exceed the language of the statute and the regulations.<sup>2</sup> The changes in counting of household size, the requested information of unreliable, privately generated credit scores, in addition to IRS tax transcripts, the requirement of a notary signature, and the requirements of private bank account information from sponsors and household members are ultra vires, and should be stricken. At a minimum, the agency should have to undergo a meaningful public comment process when making such substantive changes by publishing proposed regulations for comment and deliberating on the public response. Placing such major changes in the disguise of form revision is an attempt by the agency to avoid public scrutiny, which is not legally permissible.</p> |  |
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| 93.2 |  | <p>II. Requiring In-Depth Bank Account Information and Requesting Credit Reports from All Sponsors is Neither Relevant nor Necessary USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ that would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders. There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouses or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets—specifically, money in a bank account—to satisfy the 125 percent of the Federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements. Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p> <p>In addition to being unnecessary and a privacy risk, the requirement of bank information is intimidating, and will discourage sponsors from completing the process. The law and regulations require that</p> | <p>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).</p> <p>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.</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p> |
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|      |  | <p>sponsor’s income be verified, and that is already done through the submission of government-produced documentation of tax transcripts and W-2s. The additional requirement of bank account information, including account numbers and routing numbers, is hazardous for sponsors because of the many breaches of such information that can occur. Breaches have impacted millions of account holders in recent years and are not likely to stop in the near future.<sup>3</sup> For these reasons, the requesting of credit scores in the proposed changes is also objectionable. Sponsors are already providing government-generated proof of income in their tax transcripts. The documentation produced by private credit bureaus is problematic for privacy reasons, and also because it can be inaccurate as often as one time out of five, according to government studies.<sup>4</sup></p>   |   |
| 93.3 |  | <p>III. Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden and is Inconsistent with U.S. Law Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member(s), if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. Title 28, section 1746 of the U.S. Code permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision. Moreover, the agency previously had to correct the I-864 to remove an initial 1997 requirement of signature in front of a notary in order to comply with federal law and did so by deleting</p> | <p>28 U.S.C. 1746 doesn’t necessarily preclude the use of a notary. 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. 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</p> |

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|      |  | <p>the notary requirement.<sup>5</sup> The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor and household member(s) to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID-19) pandemic.</p>   | <p>the immigration system and individuals that may not wish to assume the significant financial responsibility of sponsorship.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>No changes will be made based on this comment.</p> |
| 93.4 |  | <p>IV. The Proposed Changes Alter the Computation of Household Size, Contradicting the Regulations The proposed changes include language that would alter how many people are considered to be in the household by misconstruing the contractual obligation of a sponsor. The contractual obligations of a sponsor do not begin until the intending immigrant actually obtains permanent residence, but the proposed changes advise sponsors to count anyone that they have submitted a previous I-864 for, without acknowledging that there is no legal effect if that applicant did not become a permanent resident. The current instruction reads, “If you have sponsored any other persons on Form I-864 or Form I-864EZ who are now lawful permanent residents...,” they must be counted in the household. The proposed change omits the “who are now lawful permanent residents” language, such that a sponsor would</p> | <p>USCIS disagrees that the proposed changes alter the current computation of household size.</p> <p>8 CFR 213a.1 defines household size to include “the number of aliens the sponsor has sponsored under any other affidavit of support for whom the sponsor’s support obligation has not terminated...”</p> <p>When calculating household size, the form states:</p> <p>“If you have sponsored any other persons on Form I-864 or Form I-864EZ <i>who are now lawful permanent residents and for whom your support</i></p>   |

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|      |            | <p>need to include someone for whom they may have signed an affidavit of support, whether or not it was later withdrawn or the individual was not approved for permanent residence, in which case there is no contractual obligation to support them. The regulations at 8 C.F.R. § 213a.1 are contradicted here, because they define “sponsored immigrant” for contractual obligation as, “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.” The proposed change ignores that distinction and overcounts household size, thus mandating sponsors to have more income than legally required. In conclusion, for all the reasons outlined above, I oppose the agency's proposed changes to Form I-864, Form I-864A, and Form I-864EZ. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> | <p><i>obligation has not ended</i>, enter the number here.” (emphasis added).</p> <p>The form Instructions also state, “<b>Note:</b> If you executed a Form I-864 or Form I-864EZ on behalf of an intending immigrant where the support obligation is not yet in effect, <i>that intending immigrant is not counted as part of your household size</i>. However, if that intending immigrant becomes a lawful permanent resident before your support obligation on this Form I-864 becomes effective, that sponsored immigrant is counted as part of your household size.” (emphasis added).</p> <p>An intending immigrant for whom the sponsor executes a Form I-864 or Form I-864EZ, but is not yet an LPR, would not be counted as part of the sponsor’s current household size.</p> |
| 94.1 | Don Hayler | <p>Requiring bank account information is dangerous since that's enough information for a scammer to impersonate someone and steal money from someone's account. What is the government's plan to reimburse people for their loses if and when the information is stolen from the government and people lose money? There is also a cost for them to change accounts and deal with identity theft. It is a financial and internet industry standard to store the minimum amount of information necessary to minimize the risk when systems are hacked. Given that this information is unnecessary to determine someone's financial standing and is a</p>   | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information</p>  |

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|      |           | risk, I believe as a concerned US citizen that the government should not collect this data. Thank you.  | will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.<br><br>No changes will be made based on this comment. |
| 95.1 | Anonymous | This administration is a complete and total disgrace! You criminal president and his sycophants should be and need to be prosecuted for the crimes they are committing against the Constitution and the people of the United States! The attorney general is just as corrupt and criminal and sit a puppet of this unfit president! There is nothing and no one in this administration that seems to have a backbone and stand up to this disgusting president and his cowardly sycophants and try to stop this madness! All you abhorrent people in this criminal administration do is accept bribes to enrich yourselves! One day you all will be responsible for the downfall of the United States and history will expose to the idiots of this country what your mentally insane and morally bankrupt president and his groveling sniveling cowardly cronies have done to destroy the Constitution and this country! You people don't want comments from the public! It's proven by all the regulations that have been rolled back after asking for these comments and the majority of people have commented against all these rules and regulations that you all are taking away! The only thing you people want is money in your pockets and obviously a dictatorship! Karma will get you all in the end! I am disgusted by your lack of integrity and caring for this country and the citizens of this country! DRAIN THE SWAMP | No changes will be made based on this comment.  |

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| 96.2 | Monica Kane, Law Offices of Monica Kane | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0214&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0214&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0214&amp;attachmentNumber=2&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0214&amp;attachmentNumber=2&amp;contentType=pdf</a></p> <p>Gender The current versions of Forms I-864 and I-864EZ do not address the gender of the principal immigrant. The Department of Homeland Security (“DHS”) now proposes to add this item as Part 2, Number 5, on each form. The principal applicant’s gender has no significance whatsoever to the purpose of the affidavit of support, which is to assess the petitioner’s or joint sponsor’s qualifications to sponsor an intending immigrant. The lack of an item addressing gender has in no way hindered or affected the use of Forms I-864 and I-864EZ to date. Thus, there is no reason to add this item now.</p> | Gender is a piece of biographical information that USCIS collects across many of our forms to help facilitate identity verification where needed. |
| 96.3 |   | <p>Relationship to Sponsor DHS proposes to add an item for the principal immigrant’s relationship to the sponsor signing Form I-864, at Part 2, Number 9. The purpose of Form I-864 is to implement the affidavit of support requirement mandated by INA Section 213A and explained further in the regulations at 8 C.F.R. Section 213a. Neither the statute nor the regulations refer to the relationship between the sponsor and the immigrant. Furthermore, it should not matter what the relationship between the sponsor and the immigrant is. The point of the affidavit of support is to ensure that someone will be responsible for the intending immigrant, should she not support herself. If a person meets the requirements to be a sponsor and is willing to sign a binding contract and be subject to requests for reimbursement and legal action as a result of their legal obligations as a sponsor, there is no reason why their I-864 should be viewed differently depending on their legal/social relationship to the intending immigrant. The legal</p>   |   |

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|      |  | obligations grow out of the signing of the I-864, not the legal/social relationship between the sponsor and the immigrant, and completing and signing the affidavit of support, combined with providing the required documentation of income and/or assets is what matters.  |   |
| 96.4 |  | <p>Bank Account Information Bank account information is wholly inappropriate for the purposes of Forms I-864, I-864A, and I-864EZ. Bank account and routing information is generally provided on a form in any other context where a specific and imminent payment is expected to be debited or credited to the account, such as on one’s tax return. Forms I-864, I-864A, and I-864EZ relate to a more general obligation to support a person, not a specific and imminent payment. This would be confusing to potential sponsors and intending immigrants, and it could expose potential sponsors to misuse of their banking information. Furthermore, potential sponsors generally complete and sign Form I-864, I-864A, or I-864EZ prior to any obligation going into effect and long before any hypothetical reimbursement would be required. Should reimbursement become necessary, the proper enforcement mechanism is a government agency request or a lawsuit, as the language in the “What If I Do Not Fulfill My Obligations?” section makes clear. By the time a sponsor could be required to make a reimbursement payment, the sponsor’s bank account information could have changed, rendering this information useless or even leading to problems should any individual or agency try to use this banking information to obtain reimbursement.</p> | <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p> |

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| 96.5 |  | <p>Credit Report There is no reason to suggest or encourage sponsors or their household members to include a copy of their credit report with Forms I-864, I-864A, or I-864EZ. Credit history or score is not mentioned in INA Section 213A or the corresponding regulations. Furthermore, one person can have excellent credit, but no income or assets, while another person can have horrible credit, with more than sufficient income and assets to qualify as a sponsor pursuant to INA Section 213A and the corresponding regulations. There is no correlation between credit score and one’s ability to be a sponsor for purposes of INA Section 213A, and this language should not be added to Forms I-864, I-864A, or I-864EZ. Furthermore, requesting a credit report for purposes of the affidavit of support would add an unnecessary expense for sponsors, and reviewing the report would create unnecessary additional work for officers. For sponsors who do have credit histories, the report itself may be voluminous and take time to comb through. It also feels invasive of the sponsor’s privacy and prerogative to apply for credit and manage their obligations as the market allows.</p> | <p>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.</p>  |
| 96.6 |  | <p>Notarization Early versions of Form I-864 and I-864A required a notarized signature. This requirement was eliminated when DHS issued its final rule regarding affidavits of support in 2006. (See, 71 Fed. Reg. 35739 (June 21, 2006), attached.) Neither INA Section 213A nor the regulations at 8 CFR Section 213a require that affidavits of support be signed before a notary. For almost 14 years, affidavits of support have been signed under penalty of perjury, and there is no indication that this has created any problems. There is no reason to require a notarized signature now. Given the current COVID-19 crisis, this is not the time to add an unnecessary step that involves in-person services. According to the ABA, “notary laws generally contain the requirement for the notary and the principal signer to be in ‘close physical proximity’ during a notarization.”</p>  | <p>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. 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</p> |

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|      |           | <p>Again, for almost 14 years, affidavits of support have been executed and enforceable without notarization, and USCIS should not suddenly require notarized signatures on affidavits of support at a time when we, as a society, are trying to limit in-person contact. The proposed revisions seem geared towards making the process of securing a sponsor or joint sponsor more burdensome and placing additional obstacles in the way of intending immigrants. In my practice, the intending immigrant is often the spouse of a U.S. citizen, already living in the United States as part of a mixed-status family, many times as the only non-U.S. citizen in the household. If the statute and regulations allow an individual to apply for adjustment of status to become a lawful permanent resident and thereby bring more security and stability to their family of U.S. citizens, we should facilitate that process because it will benefit not only that one family of U.S. citizens, but their community at large. We should not make the process harder than the law requires by adding unnecessary information collection and notarization to a government form. I urge DHS to remove the proposed language addressed above before the new editions of these forms are released to the public.</p> | <p>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.</p>  |
| 97.1 | Anonymous | <p>USCIS' proposed changes to the Affidavit of Support are yet additional attempts by USCIS to impose new requirements on the public, disguised as a form change, for which the agency lacks statutory and regulatory authority. The agency's blanket proposal mandating the collection of detailed bank account information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relative for a green card is an unauthorized information collection.</p> <p>In addition, the new notary requirement is an inconvenient and</p>   | <p>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. In</p> |



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|  |  | <p>needless burden which has no basis in the law. It will add undue and unnecessary burdens on sponsors by imposing unnecessary costs, travel burdens, and logistical challenges to have these forms notarized by a notary public. This requirement is particularly burdensome and potentially dangerous in light of social distancing protocols currently being imposed by local and state authorities, as well as countries around the globe, in response to the 2019 novel coronavirus (COVID-19) pandemic.</p> | <p>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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS provides an estimated cost to respondents based on a percentage of an estimated high cost that respondents may incur, as not all respondents will incur every possible cost associated with this collection of information.</p> <p>With regards to the collection of bank account information, it will be used to evaluate that sponsors and household members can meet their support obligations under INA 213A, and sponsors</p> |
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|      |                |  | <p>have demonstrated the means to maintain income as required by INA 213A(f)(6).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p>   |
| 98.1 | Amanda Berling | <p>I disagree strongly with the US Citizenship and Immigration Services proposed changes requiring U.S. citizens and resident sponsors to provide in-depth bank account information in addition to the extensive tax documentation requirements already in place. The proposed revisions would also require all related forms to be notarized by a notary publican unnecessary and inconvenient regulation with no legal basis. The proposed changes would impose needless burdens on immigrant families, and would not contribute to the improvement of our current immigration system.</p> | <p>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).</p> <p>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. In addition, since this requirement helps ensure that</p> |

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|      |             |  | <p>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.</p>   |
| 99.1 | James Alley | <p>I have been given to understand that the US Citizenship and Immigration Services (USCIS) is trying to modify immigration Form I-864/Affidavit of Support (and related forms) to require U.S. citizens and resident sponsors to provide in-depth bank account information in addition to the extensive tax documentation requirements already in place. The changes would also require all related forms to be notarized by a notary public. What legal purpose would such new hurdles serve? They would be a needless burdens to immigrant families, and would not contribute to the improvement of our current immigration system.</p> <p>Thank you for your attention. James Alley, Port Ewen, New York</p> | <p>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).</p> <p>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. 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.</p> |

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| 100.1 | Betsy Webster                              | These new rules add more burdens to those who are seeking immigration to OUR country   | No changes will be made based on this comment.  |
| 101.1 | Koula Glaros- King,<br>Community Legal Aid | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0222&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0222&amp;attachmentNumber=1&amp;contentType=pdf</a><br/>Using Form Revision Procedures to Change Requirements Violates the APA. The Administrative Procedures Act (APA) directs that federal administrative agencies, such as USCIS, use appropriate procedures for rulemaking, described as the "agency process for formulating, amending, or repealing a rule." To comply with the APA, when an agency action changes a rule, it must acknowledge the change and explain its reasoning<sup>2</sup>. "[A] agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." <sup>3</sup> In this instance, USCIS has failed to acknowledge a substantive change and provide an explanation. Form I-864 and related Forms I-864A and I-864EZ, the changes to which are at issue in this NPRM, constitute the three versions of the USCIS Affidavit of Support from all sponsors (and household members whose income and/or assets are used by a sponsor to qualify<sup>4</sup>). USCIS specifically states in the NPRM describing the proposed changes that it is not changing any regulations. With that statement, USCIS discounts without explanation the significance of the revisions. In particular, the agency's proposal to require detailed banking information for all</p> | <p>USCIS disagrees that the proposed changes are a violation of the APA.</p> <p>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. 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.</p> |

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|       |  | sponsors as part of a form revision imposes a new requirement for sponsorship in violation of the APA. Likewise, through the proposal revisions to the forms, USCIS seeks without explanation to require that each of the sponsor's signatures on these forms be notarized by a notary public. The substantive nature of these changes is detailed below. The violation of the APA stems from USCIS' lack of acknowledgment of the substantive nature of these changes and failure to provide adequate reasons for these changes.   |   |
| 101.2 |  | Requiring Detailed Bank Account Information from All Sponsors is Neither Relevant nor Necessary USCIS proposes adding a new requirement to Form 1-864 and related Forms I-864A and I-864EZ to require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide detailed bank account information. Specifically, sponsors would be required to provide the name of the banking institution, bank account number, routing number of the account, account holder's name, and name of any joint account holders. This information is sensitive and personal; any entity with access to this information can withdraw money from the account holders' account. Any requirement to share this information should be tailored to those instances where it is relevant and necessary. In many instances, bank account information is not relevant or necessary to confirming that the sponsor has the resources to ensure that the immigration applicant will not become a burden to the public. Where sponsors are swearing that their income is sufficient to support the immigration applicant, sponsors already document and verify their ability to support the prospective immigrant with their Federal income tax transcripts or W-2/1099 statements, tax returns, current pay stubs and letters of employment. Only in the limited circumstances where a sponsor or household member uses assets, specifically bank account deposits, to satisfy the minimum support | <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p> |

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|       |  | <p>guidelines, is evidence of those deposits and supporting documentation necessary. In those limited circumstances, Forms I-864 and I-864A already require sponsors to identify and provide proof of ownership and value of any bank account used as an asset.<sup>5</sup> As is clear from these Forms, it is not mandatory that each sponsor use assets to satisfy the financial support guidelines. If the sponsor chooses NOT to use assets, the Forms, as they currently exist, properly indicate that bank account information is not required.</p>   |                               |
| 101.3 |  | <p>Requiring Detailed Banking Information is Bad Public Policy Because it Increases Risk of Identity Theft, Invades Privacy, and Incorrectly Presumes All People Engage in the Traditional Banking System. This new requirement raises significant privacy and security concerns. In today's environment of wide-spread cybercrime and identity theft, requiring all sponsors to disclose detailed bank account information, particularly when it is not relevant or necessary, exposes them to a heightened risk of becoming identity theft crime victims. Once USCIS gains banking information, the sponsor's private associations and activities are exposed to the USCIS, potentially including but not limited to information about the sponsor's donations to a religious institution or a political campaign. These private uses of money would be laid bare for USCIS to view when making determinations about the immigrant's application. This revision further presumes all sponsors regularly maintain traditional bank accounts. Due to the rise in identity theft and the recently reported unethical and predatory practices of several of the largest banks in the United States, many depositors lost confidence in these traditional institutions. Many of our clients no longer deposit and risk their hard-earned wages in banks that are charging escalating fees just for the cost of the bank doing business. We have seen that our clients, especially immigrants, have always</p> | <p>See response to 101.2.</p> |

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|       |  | taken their household finances very seriously. They carefully and responsibly attend to their financial obligations without maintaining regular bank accounts. Their ability to support an immigrant family member cannot be judged by the lack of a bank account.   |   |
| 101.4 |  | <p>Requiring Form 1-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law USCIS is proposing to require that Form 1-864 and related Forms I-864A and I-864EZ be notarized by a notary public in order for the forms to be properly executed. As is clear in federal law, the legal purpose of notarization is already achieved by requiring that signatories sign under penalty of perjury. According to 28 USC 1746, any statement that requires a sworn declaration can be executed with the same effect as a sworn statement if the signatory signs "under penalty of perjury (emphasis added). A specific provision of the USCIS Adjudicator's Field Manual explicitly recognizes that since signatures "are made under penalty of perjury" "notary jurats are no longer required."<sup>6</sup> All three forms already contain explicit statements warning the sponsor that they are signing under the penalty of perjury.</p> <p>The requirement to have the form notarized by a notary public is unnecessary. The formal process of notarization serves only two limited purposes, both of which are already met without the burden of notarization. 1. Through notarization, an agency can verify a signer's identity. Verification through notarization is unnecessary because the sponsor must already submit copies of their government issued U.S. citizenship or lawful permanent residence identity documents with their Affidavit of Support forms. Use of a notary does not improve verification of sponsor's identity.</p> <p>2. Through notarization, the signer states that their signature is</p> | <p>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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal,</p> |

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|  | <p>voluntarily given and that the contents of the document are true. These conditions are also already satisfied by the existing form, which the sponsor signs under penalty of perjury. With their signature, the sponsor indicates that their signature is freely given and the contents are complete, true, and correct. Notably, the agency can test the veracity of the documents by reviewing the supporting documentation or by scheduling an interview with a sponsor. The notary does not evaluate the veracity of the actual contents of the forms in any way. The requirement to notarize the form also adds an undue burden to the already-cumbersome process. Affidavit of Support notarization would require each sponsor to personally appear with their government-issued photo identification documents to sign the forms before a duly-licensed U.S. notary or, if overseas, before the U.S. consulate. Access to a notary or to the U.S. consulate for notarization is often very limited due to increased fees and travel expenses as well as time availability. At this time, the United States Consulates charge a \$50.00 fee for each notarized document but, due to security concerns, offer very restricted access to this non-emergency service. Adding a notary requirement to these forms may mean that the U.S. citizens or lawful permanent resident who is overseas must seek an appointment with the nearest U.S. consulate that offers this specific service, travel potentially a great distance (possibly even to a third country), and secure overnight accommodations, all at significant expense. In the current public health emergency due to the COVID-19 pandemic, appointments for consular notary services are not even available. Notary services within the United States also incur costs and access to such services is also burdensome due to transportation, work responsibilities, difficulty appearing before a notary during regular business hours, and now the stay-at-home orders resulting from the Covid-19 Pandemic.</p> | <p>State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> |
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|       |               | <p>USCIS requires these Affidavits of Support for all those applying for lawful permanent residence. Requiring notarizations only increases costs and delays in preparing these forms for all sponsors and has an adverse chilling effect on potential sponsors. It does nothing to make the obligation to support an immigrant more enforceable.</p> <p>Conclusion For all the reasons outlined above, Community Legal Aid Services contends that the agency's proposed changes to Forms 1-864, I-864A, and I-864EZ are unnecessary, unduly burdensome, and in violation of existing law. In addition, the form revision process by which USCIS attempts to make these changes violates the Administrative Procedures Act. Community Legal Aid Services urges USCIS to remove these banking and notarization requirements before the new editions of the Forms 1-864, 1-864A, and I864EZ and associated instructions are released to the public.</p>  |  |
| 102.1 | Savannah Sisk | <p>I am writing to respectfully oppose the proposed changes to Form I-864 and Form I-864EZ and Form I-864A. The additional requirement of obtaining a notary signature unnecessarily increases the burden of the collection of information for respondents. I can speak from experience that locating and obtaining a notary signature increases the time required to complete document submission by more than just the hour it may take to visit in person - it increases the burden by days due to the difficulty of finding a notary nearby and available during hours at which the seeker does not work. This is a not insignificant responsibility to add for sponsor and immigrant families without any proof of positive changes to the immigration process. I also believe that requiring additional bank information is another unnecessary step that violates privacy when extensive tax information is already required and collected. I do support changes to language that provide increased clarity; however, I do not believe that the additional collection of information will support a</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>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</p> |

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|       |                   | <p>better of understanding in sponsors but indeed could lead to more confusion.</p>   | <p>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. 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.</p> |
| 103.1 | Rebecca Eissenova | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring a foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons below, I oppose the proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released.</p> <p>I am the director of an immigration law program through Catholic Social Services. My clientele are predominately family members of U.S. citizens seeking to live together with their foreign-born spouses, parents, or children. They are largely young and not</p> | <p>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). 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. In</p>          |

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|  | <p>earning enough yet to sponsor themselves. They need joint sponsors to keep their family unit in tact and moving toward legal status. In the current climate of high identity theft and unemployment, finding a joint sponsor is already difficult. Finding one willing to share large amounts of personal financial information asked on the new Forms would be even more difficult--likely impossible in many situations.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ that would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives to provide in-depth bank account information. Specifically, sponsors would be required to provide the name of the banking institution, number of the bank account, routing number, account holder's name, and name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information. Bank account information is not necessary or even relevant to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> | <p>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.</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |
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|       |  | <p>Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p>   |  |
| 103.2 |  | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign under penalty of perjury. Under its new proposal, USCIS seeks to require these forms be notarized. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Further, the proposal to require these forms be notarized violates the Administrative Procedure Act by attempting to impose a new requirement through a form revision.</p> <p>The requirement to have the form notarized also adds undue and unnecessary burdens. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities as a result of the coronavirus pandemic.</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> |

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|       |             | <p>For the reasons above, I oppose the agency's proposal to require sponsors to provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements.</p>   |  |
| 104.1 | Kim Le      | <p>The new I-864 would put U.S. citizens and Lawful Permanent Residents at risk! The I-864 is not only used in the United States, but it is also used in consular processing cases. Based on current requirements, applicants must bring an original copy of the I-864 to the consular interview. This means that the original signed I-864 will usually have to be sent to the beneficiary abroad. The documents may pass through many people before getting to the beneficiary. Including sensitive financial information such as account numbers along with biographical information such as date of birth, place of birth, social security numbers and addresses making sponsoring citizens and residents natural targets for identity theft.</p> | <p>Information provided on forms, including sensitive personally identifiable information, is necessary for adjudication of the form. All information provided on the form will be protected by government agencies when in their possession in accordance with applicable laws, regulations, and policies.</p>  |
| 105.1 | Aja Pardini | <p>I submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p>  | <p>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).</p> <p>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</p> |

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|  |  | <p>I am a practicing immigration attorney. The burden already placed on my clients as a result of the form I-944 is already truly outrageous. I have never in my life - through mortgage applications, loan applications and the like - provided the detailed information and documentation now required as part of the I-944. Adding even more information requests on additional forms is a waste of the tax dollars these new forms are purported to protect.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>Sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> <p>Moreover, this new requirement raises significant privacy concerns.</p> | <p>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. 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.</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |
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|       |  | <p>In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p> <p>USCIS is already requiring the last TWELVE months of bank statements from both the intending immigrant AND the household member. There is no additional relevant information to be gleaned by providing bank account number and routing number other than the likelihood of a horrifying security breach.</p>  |   |
| 105.2 |  | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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</p> |

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|       |             | <p>As USCIS FINALLY authorizes digital signatures - due to issues caused by the COVID-19 pandemic - this threatens to move us further backward with regard to utilizing secure technology to efficiently submit and store client files. USCIS is moving toward electronic filings across the board. This makes absolutely no sense and requires hard copy filings which are a waste of paper not to mention other government resources including the personnel required to receive shipments, unload them, review them and enter pertinent info into an electronic system, scan the entire submission etc...when we could simply do all that work for them and save tax dollars.</p> <p>In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> | <p>not wish to assume the significant financial responsibility of sponsorship.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> |
| 106.1 | Linda Apgar | <p>I respectfully but strongly disagree with the US Citizenship and Immigration Services proposed changes requiring U.S. citizens and resident sponsors to provide in-depth bank account information in addition to the extensive tax documentation requirements already in place. The proposed revisions would also require all related forms to be notarized by a notary public unnecessary and inconvenient regulation with no legal basis. The proposed changes would impose needless burdens on immigrant families, and would</p>  | <p>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).</p> <p>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</p>   |



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|       |   | <p>not contribute to the improvement of our current immigration system.</p>   | <p>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. 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.</p>        |
| 107.1 | Carl Bergquist,<br>Coalition for<br>Humane Immigrant<br>Rights (CHIRLA) | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0265&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0265&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>A. Requirements of Providing Previous Affidavit, Bank Account Information It is proposed that revised Forms (I-864 and I-864EZ) will now require sponsors and household members to include their bank account information, which includes their bank account number and their routing information, and may require them to submit a credit report. The proposed revisions to these Forms (I-864 and I-864EZ) will also require sponsors to include information about previously submitted affidavits. Typically, the financial ability of the sponsor to support the beneficiary has been established through proof of sufficient income and/or proof of sufficient assets. Disclosing banking information has never been a requirement of these Forms. This requirement is completely arbitrary, as sponsors and household members are already tasked with either proving that their income is 125% above the poverty line for their</p> | <p>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).</p> <p>With regards to the possibility of not having a bank account, as indicated in the form instructions, sponsors should “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</p> |

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|  |  | <p>household size and/or they have assets that can be liquidated in a year whose value is 125% above the poverty line for their household. The submission of tax returns, pay stubs, valuations of assets and even letters from the sponsor’s or household member’s employer verifying their wages are more than sufficient to assess the sponsor’s financial position. There is no conceivable rationale for the sponsor or household member to then provide sensitive banking information, other than to discourage them from filing these forms. This would make immigration harder, if not impossible, which is clearly an overarching goal of this Administration. CHIRLA is concerned with the banking information requirement for two primary reasons: privacy concerns and undue burdens: 1) A sponsor must already prove their income through the valuation of their assets, or tax returns to prove their current wages. Thus, it is far too invasive for USCIS to now require sponsors to show them how they are spending their income. This is a naked form of humiliation that serves no other plausible purpose. Worse, it also makes the sponsor vulnerable to identity theft or fraudulent bank account usage by requiring them to submit their bank account and routing number through an online form. 2) CHIRLA is also concerned with this requirement due to the undue burdens it puts on the sponsor by compelling them to collect even more information. A potential sponsor may not have a bank account or may share a bank account with other members of the family. Having to open up a bank account can be time consuming and will delay the completion of these Forms. If any of the banking documents given to the sponsor in order to provide this information are in a language other than English, the sponsor will incur additional costs to have the documents translated leading delaying the completion of the affidavit.</p> | <p>“How many times have you departed the United States”), type or print “None,” unless otherwise directed.”</p> <p>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.</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p> |
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| 107.2 | <p>B. Requirement that a Notary Public Notarize all Forms USCIS is also proposing that all three Forms (I-864, I-864A and I-864EZ) now be notarized by a Notary Public before they are submitted. Presently, it is only required that all three Forms be signed by the sponsor or household member under penalty of perjury. The current instructions to the I-864 form details what kind of signature is valid on the Form, with the requirements being that the signature not be from a stamp or a typewriter. The only other requirement is that the signer be at least age of 18 or over and when warranted, that a legal guardian may sign for a sponsor who is mentally incompetent. This new requirement that a Notary Public notarize all forms constitutes an additional roadblock to sponsors being able to correctly file these forms. This constitutes an extra step that will incur additional delays and costs. Again, the only reasonable view of this arbitrary requirement is to view it as a way of trying to discourage and limit immigration.</p> <p>CHIRLA is concerned about the extra burden this requirement will put on sponsors and household members. Ultimately, it may prevent the sponsor from even being able to submit the Forms. For example, if the sponsor has young children to take care of and cannot find care for them or if their job does not allow for them to take paid time off, they may be unable to sign in front of a Notary Public. Having these forms notarized also puts another financial burden on the sponsor or household member, as Notaries Public charge for their services. Further, this requirement will lead to sponsors and household members becoming victims of fraud due to people posing as Notaries Publics. Sponsors and household members will find a notary in their local community as that is where they are most comfortable, and this is where they can encounter a fraudulent Notary, also known as notarios. The Administration is well aware of notarios, and this new requirement bears the</p> | <p>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. 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.</p> <p>USCIS has information on its webpage concerning notario fraud (see <a href="https://www.uscis.gov/avoid-scams/commonscams">https://www.uscis.gov/avoid-scams/commonscams</a>).</p> |
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|       |  | hallmarks of a trap set in order to deny these sponsors' loved ones the ability to immigrate.  |                                   |
| 107.3 |  | <p>C. Effect of these Revisions on the Practice of Immigration Law</p> <p>CHIRLA has also identified concerns regarding the future practice of immigration law if these proposed changes go into effect. The attorneys of CHIRLA's legal team are very hands on with their clients. They are able to tell them which documentation to collect, where to collect the needed documentation and how to get it translated if necessary. However, they cannot assist in the actual collection of the documentation. Should USCIS, as proposed via these revisions, add more requirements such as bank account information, credit reports, and information from previously filed affidavits and notarization, CHIRLA's clients will be disparately impacted. Our clients come from low-income working families who would benefit from the immigration of the relatives that are the subject of these petitions. Yet, the proposed revisions to the affidavits will prevent just that, denying immigrant families both the right to familial life and a chance to improve their circumstances. CHIRLA's legal team is dedicated to their clients by trying to help them in any way they can. These requirements will only make their jobs harder, as it requires their clients to complete several, unnecessary steps delaying, and even halting, the immigration process. As such, CHIRLA as organization will doubly affected. First, we will be able to help less individuals as each case will require more time and resources. Second, it is inevitable that we will also have to dedicate precious personnel resources to dealing with the consequences of identity theft and notario fraud.</p> | See responses to 107.1 and 107.2. |

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|       |           | <p>D. Conclusion These proposed changes will have an adverse effect on immigration by further burdening potential sponsors, resulting in discouragement and inability to file affidavits. These form revisions must also be seen in tandem with the recent regulations expanding the definition of “public charge.” A dragnet is being cast to create wealth tests to separate immigrant families. CHIRLA rejects this.</p>  |   |
| 108.1 | Anonymous | <p>I'm writing to voice opposition to the changes proposed to the I-864 Affidavit of Support which are onerous and unnecessary.</p> <p>Requiring a notarized copy has no basis in law. It is an unnecessary burden on the sponsor and should not be required in lieu of signing under penalty of perjury. The change also faces challenges under the Administrative Procedure Act, which would tie this up in litigation, creating chaos and confusion for folks trying to complete the right forms in the right way.</p> <p>Applicants already show their ability to sponsor someone via their tax returns and, if relying on the totality of their assets, their bank statements. It serves no purpose to demand the routing number of a sponsor's bank accounts and is an unnecessary cybersecurity risk.</p> | <p>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. 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.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> |

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| 109.1 | Veronica Wang  | I do not support this action as it will only tighten restrictions for immigrants and is blatantly discriminatory to those without resources.   | No changes will be made based on this comment.   |
| 110.1 | Jorge Baron,<br>Northwest<br>Immigrant Rights<br>Project | <a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0254&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0254&amp;attachmentNumber=1&amp;contentType=pdf</a><br>1. Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders. There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited | 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).<br><br>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.<br><br>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession. |

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|       |  | <p>circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements. Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim. We urge USCIS to remove this requirement.</p>  |   |
| 110.2 |  | <p>2. Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> |

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|       |   | <p>notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID-19) pandemic. We urge USCIS to remove this requirement from its proposed revisions.</p> <p>For all of the reasons articulated above, NWIRP strongly objects to the proposed changes to Forms I-864, I-864A, and I-864EZ. We urge USCIS to remove these requirements before the new editions of the forms are released to the public.</p>   | <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> |
| 111.1 | Kevin Schmidt,<br>Americans for Prosperity Foundation and The LIBRE Institute | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0236&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0236&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>On behalf of Americans for Prosperity Foundation and The LIBRE Institute, I write in response to U.S. Citizenship and Immigration Services' ("USCIS") proposed changes to Form I-864, Form I-864EZ, and Form I-864A, which are used to verify that U.S. citizens and permanent residents have the means necessary to support the spouses and family members they seek to sponsor at 125 percent of the Federal Poverty Guidelines. The proposed changes to these forms unnecessarily burden sponsors without adequate explanation and potentially violate the Administrative Procedure Act.</p> | <p>USCIS disagrees that the proposed changes in the form revision is a violation of the APA.</p>  |
| 111.2 |   | <p>I. The New Form Requirements Add Unnecessary Barriers to Sponsorship The new requirements needlessly complicate the sponsorship process, making it more onerous for American citizens and permanent residents to petition for their family members to legally immigrate to the country. Specifically, the changes would require sponsors to submit various information pertaining to their bank accounts and have their forms signed by a notary public.</p>   | <p>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</p>   |



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|  |  | <p>USCIS argues these changes are needed to “better inform sponsors and household members of their support obligations and better ensure the support obligations,”<sup>4</sup> but makes no substantive argument that requiring bank account information and signature by a notary public would accomplish this goal.</p> <p>To fulfill the notary requirement sponsors would likely need to leave their homes and travel to a location where a notary public is present. This unnecessary cost comes at a time when U.S. immigration agencies have suspended certain in-person interviews,<sup>5</sup> document checks-ins,<sup>6</sup> and other requirements that would entail violating social-distancing practices and the stay-at-home guidelines issued by federal, state, and local governments.<sup>7</sup> USCIS should reconsider the necessity of this new requirement, both in the short- and long-term, since U.S. law already permits for these forms to be signed and completed under penalty of perjury. While USCIS states that requiring sponsors to submit bank information will help ensure they meet the financial obligations specified in their affidavits of support, petitioners are already required to submit copies of their federal income tax returns.<sup>8</sup> USCIS must explain why requiring additional information is necessary, especially given that the agency is already experiencing crisis level processing backlogs, and that adding additional documents for agents to verify would further overwhelm our immigration system by needlessly contributing to an already ever-growing average processing time that all application types have experienced. <sup>9</sup> It’s unclear what USCIS will do with this information considering that it does not have permission to directly access the bank account. USCIS must also ensure the information collection is consistent with the Systematic Alien Verification for Entitlements program, which limits the purposes for which the information may be used.<sup>10</sup> Requiring detailed bank account information in these</p> | <p>the Contract Between Sponsor and Household Member is actually the sponsor or household member agreeing to the support obligation. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>With regards to the collection of bank account information, it 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).</p> <p>INA 213A(a) and (b) and 8 CFR 213a explain sponsor obligations and responsibilities when executing the Affidavit, including reimbursement of</p> |
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|  |  | <p>forms, by definition, puts sponsors at increased risk of fraud and financial harm. This concern is not speculative, as shown by the massive OPM data breach in 2015. 11 Given this risk, USCIS must provide adequate explanation as to why the requirement is necessary.</p> | <p>public benefits. The sponsor certification ensures the sponsor is aware and agrees to these obligations. The current I-864 already has language authorizing the release of the information for the administration and enforcement of immigration laws as is permitted by INA 213A. The added consent language clarifies that this includes release of information to DHS from the means-tested public benefit agencies for the purpose of administering and enforcement of immigration laws under the same authority.</p> <p>USCIS notes that the new consent language specifically concludes with “and only as permitted by law.” Therefore, the consent language does not permit disclosure for an unlawful purpose.</p> <p>Finally, sharing the information at issue with DHS is consistent with the referenced statutes because it permits an administering Federal or State agency, working with DHS in support of the efficient administration of its program, to better administer sponsorship requirements, including pursuit of recoupment when warranted from a sponsor who is a liable third party. This information collection supports the purposes of Federal means-tested public benefit programs in assisting the valid administrative needs of the respective programs as they relate to the sponsorship obligations found at section 213A of the INA, 8 U.S.C. § 1631, in DHS</p> |
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|       |                 |   | regulations at 8 C.F.R. Part 213a, and in applicable guidance.  |
| 111.3 |                 | II. USCIS Cannot Legally Implement These Requirements Without Further Explanation To the extent USCIS is implementing substantive policy changes “in furtherance of the Presidential Memo” <sup>12</sup> rather than supported by existing law, it is required to provide a reasonable explanation of the changes under the APA. But USCIS has not yet identified any deficiencies with the current forms that would necessitate the collection of bank account information and signature before a notary. These notary and bank account information requirements are included in cursory fashion without explanation: “Changes to the Form I-864 and Form I-864EZ include collection of bank account information from sponsors . . . USCIS will now also require that Form I-864, Form I-864EZ, and Form I-864A be notarized prior to submission to the agency.” <sup>13</sup> As currently constructed, these changes do not comply with the standards required under the APA and impose substantive costs on American citizens, permanent residents, and their families. For these reasons, USCIS must provide sufficient justification for these new requirements or delete them from the information collection. | USCIS disagrees that the proposed changes are a violation of the APA.   |
| 112.1 | Brandi Skipalis | I am writing to oppose the proposed increased amount of documentation required and the proposed requirement of notarization for this documentation for US sponsors of immigrants. US sponsors of immigrants are already required to submit their tax returns showing their ability to support the people they are sponsoring. Increasing the amount of and types of documentation required to be submitted will create an additional burden not only  | USCIS posted a Federal Register Notice requesting comment on a revision to an information collection, not a proposed regulation.<br><br>The Affidavit of Support Under Section 213A of the INA is a unique contract between a sponsor and the |

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|       |            | <p>on the US sponsor of an immigrant, but also on the federal government staff who will be responsible for collecting and reviewing this document. This additional burden of supplying more income documentation than that which is already required does not substantially advance the purposes of federal immigration law, since we already collect income information for these sponsors, and it is not necessary for the enforcement of current immigration laws regarding sponsorship. It serves as nothing more than a punitive deterrent to the sponsoring of immigrants, regardless of the purpose of that sponsorship. This does not advance the interests of the United States of America, and it does not make the processing of immigration paperwork more efficient or effective. If anything, it does the opposite, which is likely the intended consequence of these increased requirements. This proposed rule creates an excessive burden without that burden adding any value to our current immigration processes. The total estimated annual hour burden associated with this collection is 3,342,122 hours. The estimated total annual cost burden associated with this collection of information is \$137,487,385. This is too high of a burden for this proposed rule, which does not add any value to current United States immigration processes, to be worth enacting. This rule should not be put into place. Thank you.</p> | <p>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. 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.</p> <p>No changes will be made based on this comment.</p> |
| 113.1 | Merry Wang | <p>I am writing to oppose the changes to the I-864 (and all variations thereof). The addition of requiring bank account details and notary signatures will place an undue burden on sponsors, and therefore people seeking sponsors, and is also unnecessary when tax information is already required (in addition to the new I-944 form now also required for those who are seeking to adjust status).</p>   | <p>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).</p>   |

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|       |  | <p>Rather than creating a better immigration process, this is inefficient “vetting” and would create more paperwork and confusion for everyone involved in the process. As someone who has been working with petitioners and people seeking to migrate or adjust, the paperwork involved is already burdensome even for those who have resources, and would be a serious hardship for those who have less resources.</p>  | <p>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. 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.</p> |
| 114.1 | Kristen Tully,<br>Massachusetts Law Reform Institute | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0260&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0260&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>The Massachusetts Law Reform Institute (MLRI) and the undersigned legal service organizations and programs, members of the MLRI Immigration Coalition, respectfully submit this comment opposing the Department of Homeland Security’s Notice of Proposed Rulemaking regarding the U.S. Citizenship and Immigration Services’ (USCIS) proposed changes to Forms I-864, I-864A, and I-864EZ, and the respective Instructions to Form I-864 and I-864EZ. For 50 years, Massachusetts Law Reform Institute (MLRI) has provided statewide advocacy and leadership in the Commonwealth of Massachusetts, advancing laws, policies, and practices that secure economic, racial, and social justice for low-</p> |  |

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|       |  | <p>income people and communities. As the poverty law support center for the Massachusetts civil legal aid delivery system and advocacy community, we and our coalition members are concerned about the increased burdens these revised forms will place on low-income families. We are concerned in particular with the onerous burden on the U.S. citizen or lawful permanent resident sponsors of such families to provide in-depth bank account information and other financial information that was not previously required, as well as the needless requirement that the forms be notarized by a notary public, and other concerns listed below. These two requirements alone will have profound negative impacts on low-income families in Massachusetts and throughout the U.S. Moreover, the forms and instructions are vastly more complicated than prior versions and do not conform with the Plain Writing Act of 2010 (Public Law 111-274) and OMB Guidance Implementing the Act advising that vagueness and unnecessary complexity should be avoided. MLRI's advocates provide expertise, training, and support to local legal aid programs, social service, health care and human service providers, and community organizations that serve low-income people, and thousands of lawyers and advocates working with immigrants. These forms and instructions will raise numerous questions as to what will be required under these new forms, thus compromising our ability to provide adequate training and technical assistance, in addition to violating the Plain Writing Act of 2010.</p> |   |
| 114.2 |  | <p>I. The Proposed Revisions to the Forms and instructions are not written in plain language The language in the revised instructions and forms does not conform to the Plain Writing Act of 2010 (Public Law 111-274) and OMB Guidance Implementing the Act. That guidance cautions that avoiding vagueness and unnecessary complexity makes it easier for members of the public to understand and to apply for important benefits and services for which they are</p>   | <p><u>USCIS has reviewed the forms and instructions for plain language and legal accuracy. Where possible, USCIS has employed plain language to improve readability and avoid unnecessary complexity. However, USCIS must also ensure that sponsors and household members have all the information they need to properly complete the forms and</u></p> |

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|       |  | <p>eligible. Plain writing can also assist the public in complying with applicable requirements simply because people better understand what they are supposed to do. Quite the contrary, the proposed revisions to the instructions and forms create unnecessary complexity. In many instances, the language is vague which will make it more difficult, if not impossible, for the public to understand their rights and responsibilities. The resulting confusion will place increased burdens on the public trying to navigate the already complex immigration process and will lead to costly and inefficient operations of federal agencies. Such complexity and vagueness will disproportionately affect low-income individuals who do not have access to paid legal counsel to navigate this immigration process and often do so pro se and who are often, in our experience, from marginalized communities that have not had adequate educational opportunities.</p>  | <p><u>understand the specific legal obligations to which they are agreeing.</u></p>   |
| 114.3 |  | <p>II. Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary and will have an unacceptable chilling effect on sponsors and co-sponsors USCIS proposes to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders. This change is proposed with no basis in any legal authority for USCIS to require this information in order to sponsor a spouse or relative for a green card. Bank account information is not only not necessary, but it is irrelevant to the requirement to verify the</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for</p> |

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|  | <p>sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In the limited circumstances where the sponsor is using assets, such as deposits in a bank account, to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements. Further, the new requirement raises significant privacy concerns. Routing numbers in particular are vulnerable to cybercrime and identity theft. Citizens and immigrants are broadly advised through consumer know-your-rights trainings to not share routing numbers as consumer fraud, cybercrime and identity theft become more widespread and rampant. Requiring sponsors to disclose detailed bank account information exposes them to heightened risk of becoming an identity crime victim. This is especially objectionable when the information is not relevant or necessary to prove income. Citizens and lawful permanent residents have every right to not maintain bank accounts and should not be penalized or subject to negative inferences for not maintaining such accounts. The intimidating nature of this baseless requirement to pry into someone's bank account would deter many sponsors from supplying such information, or even providing sponsorship, especially those serving as "joint sponsors". The foreseeable likely effect is to discourage sponsors and joint sponsors from executing Form I-864. Such a chilling effect, especially where lacking foundation in law and where the information may be duplicative, militates against this change.</p> | <p>protection of its IT systems and appropriately handles all PII in its possession.</p> |
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| 114.4 | <p>III. Changes to Household size violate the regulation defining “Household Size” and will cause confusion. The proposed form change would result in the computation of household size that violates the regulation. That regulation, at 8 CFR § 213a.1 defines household size. 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 in Part 6 reads: “Have you submitted Form I-864 or Form I-864EZ for any individuals other than those named on this form?” (emphasis added). In 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 I-864 or I-864EZ. This broad berth would include persons for whom the sponsor submitted an I-864, even if they subsequently withdrew it, and persons for whom the sponsor submitted an I-864 but who were subsequently denied lawful permanent resident (LPR) status. In addition, proposed question #3 asks for the name “of each individual for whom you previously submitted Form I-864 or Form I-864EZ” without limiting it to those who obtained LPR status. The proposed Instructions specify 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.” 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. This is contrary to the provision in the instructions that provides an option for withdrawing the sponsorship “at any time until a decision is</p> | <p>USCIS disagrees that the proposed changes alter the current computation of household size.</p> <p>8 CFR 213a.1 defines household size to include “the number of aliens the sponsor has sponsored under any other affidavit of support for whom the sponsor’s support obligation has not terminated...”</p> <p>When calculating household size, the form states:</p> <p>“If you have sponsored any other persons on Form I-864 or Form I-864EZ <i>who are now lawful permanent residents and for whom your support obligation has not ended</i>, enter the number here.” (emphasis added).</p> <p>The form Instructions also state, “<b>Note:</b> If you executed a Form I-864 or Form I-864EZ on behalf of an intending immigrant where the support obligation is not yet in effect, <i>that intending immigrant is not counted as part of your household size</i>. However, if that intending immigrant becomes a lawful permanent resident before your support obligation on this Form I-864 becomes effective, that sponsored immigrant is counted as part of your household size.” (emphasis added).</p> <p>An intending immigrant for whom the sponsor executes a Form I-864 or Form I-864EZ, but is not yet an LPR, would not be counted as part of the sponsor’s current household size.</p> |
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|       |  | <p>issued on the applicant’s application for an immigrant visa or adjustment of status.” Despite this open window of withdrawal, the new form would now have the sponsor itemize any withdrawn affidavits of support and increase the household size by that number. However, a sponsor or household member does not incur contractual obligations under the affidavit of support until and unless the intending immigrant obtains LPR status. Merely signing a form I-864 or I-864EZ does not qualify as “sponsoring” someone. It is not binding upon execution and submission. Thus, the sponsor may withdraw an 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). Furthermore, the calculation of household size is already one of the most confusing aspects of the form, for pro se individuals and even attorneys. This additional computation will add more difficulty in properly completing the form, raising barriers especially for low-income individuals who do not typically afford or retain lawyers to assist in the process. MLRI routinely provides trainings reaching thousands of lawyers and advocates working with immigrants and the computation of household size is one of the most commonly discussed areas of confusion for family sponsorship. These new forms and instructions will unquestionably add to the confusion in this complicated area.</p> |  |
| 114.5 |  | <p>IV. Use of Credit Reports The addition of a credit report will unduly prejudice low-income individuals who often are negatively impacted by the notorious inaccuracies in credit histories. Part 7, item #26 requesting: “Credit Report Information (Optional)...I have attached a copy of a recent credit report” should be deleted. Credit reports play no part in determining if the sponsor’s income is at or above the required federal poverty income level for the household size. Further, problematic credit reports will cast a negative pall on</p>   | <p>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</p> |

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|  | <p>a family sponsorship case, likely to the detriment of low-income individuals who suffer disproportionately from misinformation on credit reports and lack the resources to “correct” their credit scores. Especially for new immigrants, who have had only a short time to establish a credit history, the negative inference is prejudicial and more likely to affect low-income individuals. Low credit scores have no correlation to whether an immigrant would likely receive public benefits and have in fact been negatively viewed by federal district courts in their injunctions against the proposed public charge rule for the inclusion of credit scores in the newly proposed public charge rules. For example, the Federal District Court Justice in <i>Road, et al. vs. Cuccinelli</i>, No. 19 Civ. 7993 (S.D.N.Y. 2019) (slip op. at p. 17) reasoned: “[I]t 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. Defendants blithely argue that a low credit score "is an indication that someone has made financial decisions that are not necessarily responsible" and that "those irresponsible financial decisions may be the product of someone who doesn't have very much money to work with." (Tr. of Oral Arg. dated Oct. 7, 2019 at 86:16-20). The inclusion of such credit reports and credit history 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), indicates the agency itself believes it lacks the authority to weigh the sponsor’s credit worthiness absent regulatory change. Thus, requesting the sponsor supply a credit report, optional or not, in the forms proceeds upon this questionable and highly debatable assumption that the agency is authorized to investigate the sponsor’s credit worthiness or is</p> | <p>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.</p> |
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|       |  | relevant in the public charge evaluation in violation of the injunctions. Like the other “optional” requests in these forms and instructions, the negative impacts will be most pronounced upon low-income individuals proceeding pro se through this process, or likely disproportionately intimidate those pro se sponsors from proceeding with this process, especially in cases where they have no credit history or have a problematic credit history for whatever reason.  |  |
| 114.6 |  | V. Sponsor’s Contract, Statement, Contract Information, Certification, and Signature In response to the question “What If I Do Not Fulfill My Obligations?,” the agency proposes to add the following sentence in Part 9: “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future.” Remarkably, there is no legal basis for this statement. The statute sets forth the requirements for being a 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. Where an agency wishes to change a regulation in this way, it must follow the procedures set forth in the Administrative Procedure Act. The proposed form changes clearly would affect substantive and fundamental eligibility requirements and would create a profound change in access to LPR status. Accordingly, any such 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, and it is therefore not appropriate to change sponsors’ eligibility through the venue of information collection. | USCIS is editing the Sponsor’s Certification statement in response to this comment. The language will be changed from “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future” to “If you fail to reimburse the benefit granting agency <i>upon request, you may be found</i> ineligible to <i>be a</i> sponsor in the future” (edit in italics). |

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|       |  | <p>Also in Part 9, in the paragraph numbered M, the agency proposes adding the following acknowledgment: “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 proposed eligibility requirement, which having no basis in the statute or regulation, is also ultra vires and should be omitted. This addition is consistent with the type of intimidating language used elsewhere in these proposed changes raising the suggestion or threat that actions taken on behalf of the individual being sponsored can have negative ramifications in the future. These types of intimations often have chilling effects on populations that have no access to solid legal advice to properly advise them of the real standards which should be applied.</p> |   |
| 114.7 |  | <p>VI. 864A Address Change and Penalties The inclusion of a change of address requirement in the Form 864A is wholly inapplicable. The 864A is used by household members, not sponsors. The addition to the form of requiring completion of a Form I-865 noting a change of address is inappropriately placed; the 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 distinct from sponsors in terms of the eligibility and liability requirements, and are not subject to address change reporting requirements, and as such this language is inapplicable.</p>   | <p>The current approved instructions for Form I-864A (edition date 10/15/19) already advise sponsors who are not U.S. citizens that they must inform USCIS of an address change. This information is on the I-864A because both sponsors and household members must sign that form.</p> <p>The address change language was revised to better align with the address change requirements in INA 213A(d)(1). The revisions clarify that all sponsors must notify USCIS of a change of address within 30 days.</p> <p>USCIS is not imposing the address change requirement in INA 213A(d)(1) on household members.</p> |

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| 114.8 |  | <p>VII. Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is a Burdensome and Wasteful requirement and is Contrary to U.S. Law The current Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign the forms, like most forms, under penalty of perjury. Requiring notarizations of the new forms in order to be considered properly executed is contrary to federal law 28 U.S.C. section 1746 which permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. The development of the law which allows federal forms to be executed under penalty of perjury is lengthy. The proposal herein runs contrary to and is in violation of the Administrative Procedure Act by attempting to impose this new requirement through a form revision. Further, the notary requirement will disproportionately impact low-income individuals who have more limited access to notaries and higher costs in accessing notary services. The notary requirement adds undue burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card and will add additional costs such as travel and payment for notarization, as well as logistical challenges of finding and securing the services of a trustworthy notary. These requirements are unnecessary and will add a chilling effect to persons trying to navigate this process. Of further concern is that this notary burden is even more objectionable given the</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants,</p> |

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|       |  | <p>newly developed social distancing orders and protocols and stay-at-home orders in effect by local and state authorities, as a result of the 2019 novel coronavirus (COVID- 19) pandemic. In fact, most states have implemented reduced notary requirements due to the pandemic, and USCIS should take note of those important considerations. We appreciate the opportunity to submit comments on this matter and are available for any questions.</p>  | <p>petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p>  |
| 115.1 | Emily Leung, Justice Center of Southeast Massachusetts | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0248&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0248&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>I. Requiring sponsor’s bank account information is unnecessary, a violation of privacy, and at odds 8 USC 1183a(g)(6) (Form I-864, Part 4) The proposed changes would add a requirement that sponsors and household members provide their banking information (bank account number, routing number, bank account type, etc.). USCIS has no legal authority to require this. If a sponsor is attempting to demonstrate ability to support through assets or income, it seems reasonable that a confirmation of those assets or income would be sufficient. USCIS provides no information or justification as to why a bank account number and additional information would be required. A sponsor already has to provide their federal income tax returns, W-2 wage and tax statements, and letter of employment to demonstrate evidence of income, or bank statements to demonstrate evidence of assets. If the sponsor is already meeting the income or assets threshold through those means, requiring them to provide more detailed personal bank account information serves merely to obfuscate the process and burden an otherwise-qualified sponsor. Additionally, the proposed changes are explicitly at odds with 8 USC 1183a(g)(6). The statute discusses how a sponsor can demonstrate ability to maintain income and states “For purposes of this section, a demonstration of the means to maintain</p> | <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |

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|  |  | <p>income shall include provision of a certified copy of the individual's Federal income tax return for the individual's 3 most recent taxable years and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, that the copies are certified copies of such returns."1 The statute further defines "flexibility" in demonstrating maintenance of income by stating, "For purposes of this section, aliens may demonstrate the means to maintain income through demonstration of significant assets of the sponsored alien or of the sponsor, if such assets are available for the support of the sponsored alien." 2 The statute makes no mention of additional personal bank account information being needed in order to demonstrate a means to maintain income. Requiring this information arguably removes the intended purpose of flexibility and creates a new provision not authorized by statute.</p> <p>Additionally, cybercrime and identity theft are common occurrences in our increasingly digital society. According to the 2019 Identity Fraud Study from Javelin Strategy &amp; Research, the number of consumers who were victims of identity fraud was 14.4 million in 2018. While the total number of cyber attacks decreased from 2016 to 2018, the victims' out-of-pocket fraud costs more than doubled from 2016 to 2018 to \$1.7 billion.3 With the increasing sophistication of cyber crime, we are concerned that sponsors will be at increased risk when being required to provide all of their bank account information. Causing further concern is the fact that USCIS does not explain nor provide detail about how the bank account information is relevant, how the information will be utilized, nor what mechanisms they will undertake to protect it. DHS and USCIS are under their own obligations to safeguard personally identifiable information (PII), particularly sensitive information that can result in harm to individuals. In the proposed</p> |  |
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|       |  | changes, USCIS requires the submission of additional sensitive PPI, without providing any reasonable justification, which is unnecessary. For the reasons discussed, USCIS and DHS should remove the requirement for sponsors to provide detailed bank account information.   |   |
| 115.2 |  | <p>II. Requiring sponsors to provide blanket authorization of personal information disclosure to “any Federal, State, or local agency that may receive an application for a means-tested benefit for the intending immigrant” as well as DHS and DOS, is a violation of their privacy and at odds with statute. (Part 9, Revised Form I-864) In the revised form Part 9, section D, the added language states “I understand that Form I-864 may be made available to any Federal, State, or local agency that may receive an application from the individuals named in Part 3. for Supplemental Nutrition Assistance Program (SNAP) benefits (formerly called Food Stamps), Medicaid (other than Emergency Medicaid), Supplemental Security Income, Temporary Assistance to Needy Families, or other means-tested benefits.” This blanket authorization is at odds with protecting the privacy of the sponsors. Because this proposed rule now requires sponsors to provide much more sensitive personal information, specifically their bank account information, it is incredibly concerning that this information will be made available to any Federal, State or local agency that may be providing benefits for the intending immigrant. There is no reason or justification provided to explain why it is necessary for the benefits granting agency to have access to this financial and personal identifying information of the sponsor. Furthermore the language of this section is overly broad since it does not limit the transmission of information only to agencies that are providing means-tested benefits that would be considered under the public charge provision – the supposed</p> | <p>INA 213A(a) and (b) and 8 CFR 213a explain sponsor obligations and responsibilities when executing the Affidavit, including reimbursement of public benefits. The sponsor certification ensures the sponsor is aware and agrees to these obligations. The current I-864 already has language authorizing the release of the information for the administration and enforcement of immigration laws as is permitted by INA 213A. The added consent language clarifies that this includes release of information to DHS from the means-tested public benefit agencies for the purpose of administering and enforcement of immigration laws under the same authority.</p> <p>USCIS notes that the new consent language specifically concludes with “and only as permitted by law.” Therefore, the consent language does not permit disclosure for an unlawful purpose.</p> <p>Finally, sharing the information at issue with DHS is consistent with the referenced statutes because it permits an administering Federal or State agency, working with DHS in support of the efficient administration of its program, to better administer</p> |

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|  |  | <p>underlying purpose of the affidavit of support provisions. While the I-864 form does provide some specific carve-outs regarding certain benefits which are not considered “public benefits,” it does not apply those carve-outs to the information sharing provisions of the form. The proposed changes in the forms create gaps in the protection of the sponsor’s sensitive personal information that raises serious privacy concerns.</p> <p>In the revised form Part 9 sections L and M, the added language states, “I authorize agencies and entities that administer or oversee means-tested public benefits, and any agency or entity that is authorized to act on its behalf, to disclose information to the Department of Homeland Security (DHS) and Department of State (DOS), for the purpose of administration of federal laws regarding my obligations as a sponsor, as agreed to in this affidavit and only as permitted by law....I specifically authorize the agencies and entities that administer or oversee means-tested public benefits, and any agency or entity that is authorized to act on its behalf, to disclose my name, Social Security number, date of birth, information about the agency’s deeming of my income and/or assets/resources, and any reimbursement obligations to DHS and DOS.” It is unclear what DHS’s authority is to require this of sponsors. The agencies that provide the means-tested benefit have the authority to enforce the affidavit of support, but nowhere in the law does DHS play a role in the enforcement other than providing the affidavit of support to the agency. DHS has not provided any authority for requiring benefit-giving agencies to providing the required information and is creating a burden on an innumerable number of federal, state, and local agencies without their consultation or agreement. Advising DHS and DOS of a sponsor’s need to reimburse for benefits does not serve any identifiable purpose, since the agencies have the authority and</p> | <p>sponsorship requirements, including pursuit of recoupment when warranted from a sponsor who is a liable third party. This information collection supports the purposes of Federal means-tested public benefit programs in assisting the valid administrative needs of the respective programs as they relate to the sponsorship obligations found at section 213A of the INA, 8 U.S.C. § 1631, in DHS regulations at 8 C.F.R. Part 213a, and in applicable guidance.</p> <p>No changes will be made based on this comment.</p> |
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|       |  | ability to pursue reimbursement without the involvement of those agencies.   |                        |
| 115.3 |  | Furthermore, there are already long-standing systems in place that allow for necessary information exchange related to benefits eligibility. The Systematic Alien Verification for Entitlements (SAVE) program is a verification program allowing benefits agencies to confirm the eligibility status of non-citizens applying for benefits. It allows for information sharing for the purpose of program administration, but also requires states to have safeguards in place to ensure that any information exchanged is protected and available only for valid administrative needs of the program. The federal statute under which SAVE was established, 42 USC 1320b7(a)(5), says that states must have “adequate safeguards are in effect so as to assure that— (a) the information exchanged by the State agencies is made available only to the extent necessary to assist in the valid administrative needs of the program receiving such information, and the information released pursuant to section 6103(l) of the Internal Revenue Code of 1986 is only exchanged with agencies authorized to receive such information under such section 6103(l); and (b) the information is adequately protected against unauthorized disclosure for other purposes, as provided in regulations established by the Secretary of Health and Human Services, or, in the case of the unemployment compensation program, the Secretary of Labor, or, in the case of the supplemental nutrition assistance program, the Secretary of Agriculture, or [1] in the case of information released pursuant to section 6103(l) of the Internal Revenue Code of 1986, the Secretary of the Treasury.” <sup>4</sup> | See response to 115.2. |

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|       |  | <p>(emphasis added). The broad authorization of disclosure of the sponsor’s information falls outside of this parameter as it is not necessary for the valid administrative needs of the program and additionally. Neither the affidavit of support statute (8 USC 1183a), the SAVE statute, nor any other statute authorizes DHS to require sponsors to consent to allow any federal, state, or local agency to share their personal information as a prerequisite for sponsorship. This information sharing will add confusion and fear to the sponsorship process, and will prevent eligible immigrants from securing services. DHS is attempting to bypass these benefits programs’ privacy protections in this proposed rule.</p>   |   |
| 115.4 |  | <p>III. The provision barring sponsors from sponsoring again if they fail to meet obligations is vague and has no basis in law (Part 9, Form I-864) On Form I-864, Part 9, under the question “What If I Do Not Fulfill My Obligations?” the agency proposes adding, “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future.” This addition has no basis in law. The statute laying out the requirements of sponsorship in INA § 213A(f)(1)(A)-(D) has no requirement that a sponsor have previously reimbursed a benefit granting agency for a means-tested benefit received by a sponsored immigrant. This addition to sponsoring process cannot be created utilizing an information collection method. If USCIS wants to substantively change sponsorship requirements they must go through the rulemaking process under the Administrative Procedures Act. However, the proposal is also generally inadvisable since it will be difficult to implement and create significant agency burden.</p> | <p>USCIS is editing the Sponsor’s Certification statement in response to this comment. The language will be changed from “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future” to “If you fail to reimburse the benefit granting agency <i>upon request, you may be found</i> ineligible to <i>be a</i> sponsor in the future” (edit in italics).</p> |

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| 115.5 | <p>IV. This proposed rule is part of a larger, concerted effort by the Trump administration to discourage legal immigration. This proposed form changes will have a strong chilling effect on otherwise eligible sponsors and will deter those looking to legally immigrate to the United States. Adding additional impediments, financial or legal in nature, for sponsors is part of the sustained scheme of regulatory changes the administration has put forth to add barriers to most existing pathways to legal immigration. The administration put forth policies and regulations like the Third Country Transit Asylum Ban, the Migrant Protection Protocols, travel bans, public charge, increases in immigration fees and the removal of some fee waivers, increases in Employment Authorization Processing times, criminal bars to asylum, attacks on DACA and TPS, and the creation of a denaturalization task force, that have had detrimental effects on legal immigration to the United States.<sup>5</sup> The proposed changes to the affidavit of support process seek to scare sponsors by adding language to the forms and instructions that assumes that the intending immigrants will utilize public benefits. This is simply not the reality. USCIS has vastly expanded what is considered a means-tested benefit with the public charge rule that went into effect on February 24, 2020. The public charge rule added federal housing, SNAP, and non-emergency Medicaid among others to the list, creating a lot of fear and confusion in immigrant communities about the receipt of public benefits.<sup>6</sup> However, even before the implementation of the expanded public charge rules, low-income non-citizen families utilized Medicaid, SNAP, cash assistance, and other means-tested benefits at lower rates than native-born citizens. The average value of the benefits received per person is also lower for immigrants than for citizens.<sup>7</sup> The majority of immigrants with LPR status aren't even eligible for public benefits for 5 years, after which many</p> | <p>As stated in the 30-day Federal Register Notice:</p> <p>“On May 23, 2019, President Trump issued the Memorandum on Enforcing the Legal Responsibilities of Sponsors of Aliens (Presidential Memo)... The Presidential Memo states that a “key priority of [the] Administration is restoring the rule of law by ensuring that existing immigration laws are enforced” and emphasized that sponsors who pledge to financially support sponsored aliens are expected to fulfill their commitment under the law. As part of this revision, and in furtherance of the Presidential Memo, USCIS has made changes to better inform sponsors and household members of their support obligations and better ensure the support obligations, as agreed to by completing and signing the Form I-864, Form I-864EZ, or Form I-864A, will be met.”</p> |
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|       |  | <p>choose to naturalize,<sup>8</sup> demonstrating that the proposed language is not being implemented for the stated purpose of safeguarding benefits agencies but to create fear and confusion for sponsors and intending immigrants. Families should be able to access and use the benefits they are eligible for, focus on remaining healthy and productive, without compromising their immigration status or the financial wellbeing of their sponsor. Congress has clearly understood this over time, intentionally maintaining immigrant access to programs like SNAP, CHIP and Medicaid.<sup>9</sup> Punishing a sponsor because a lawful permanent resident utilizes a benefit to which they are entitled goes against congressional intent of permitting access to benefits for immigrants who need them. The proposed changes do not serve the articulated purpose of “better inform[ing] sponsors and members of their support obligations and better ensur[ing] the support obligations...will be met.” DHS and USCIS do not provide any evidence that the requested changes to the forms and instructions will meet the goal of informing and ensuring support obligations are met. The new requirements, however, create privacy risks, administrative burden, and will have a chilling effect on legal immigration – meeting a very different goal than stated.</p> |                        |
| 115.6 |  | <p>Conclusion In conclusion, the proposed changes to Forms I-864, I-864A, and I-864EZ, their instructions, and the new notary requirement create additional, unnecessary roadblocks to an already difficult pathway to legal immigration. These changes violate a sponsor’s privacy, result in information sharing that is both unnecessary and contrary to statutory authority, and intends to fundamentally change sponsorship requirements through an information collection process, violating the Administrative Procedures Act. We urge USCIS and DHS to consider the negative</p>  | See response to 115.5. |

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|       |               | implications of these proposed changes and remove the language discussed in this comment.   |  |
| 116.1 | Sarah Coleman | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, &amp; related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>I am an attorney &amp; my spouse is an immigrant to the US. Through his contributions to his semiconductor company, he has created thousands of US based jobs &amp; has generated significant revenue impacting his company's many employees and the communities of the New England region. I practice employment based immigration law and family based immigration law.</p> <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |

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|  |  | <p>income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> <p>Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p> |  |
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| 116.2 |  | <p>Requiring information including bank account numbers from prospective petitioners who are also signatories of I-864 contracts with the US government goes over and beyond the facts required for a US officer to determine whether the petitioner meets the burden of providing documentation to evidence income greater than 125% of the annual federal poverty guidelines. Bank account balances change drastically over time. The stronger objective evidence that is already required is current employment and related compensation and related tax documentation. Also, requesting bank account numbers quickly exposes the USCIS to great liability of holding such sensitive information that too easily could become the victim of a purposeful or accidental data breach.</p> <p>The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID-19) pandemic.</p> <p>In closing, a signature required in the presence of a notary public is repetitive -- all immigration forms are already signed under the pains and penalties of perjury. Such a requirement places an undue</p> | <p>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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> |
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|       |             | <p>burden and an unnecessary step to filing an immigration petition or application.</p> <p>Sarah M Coleman</p> <p>In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> |  |
| 117.1 | Allan Lolly | <p>A problem with collecting private financial information is hacking into agency computers and stealing information.</p> <p>A problem with the notarization requirement is rural America and those who reside abroad.</p> <p>The proposed regulatory changes do not included reasons why these changes are important. What problem is trying to be fixed?</p>  | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |

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|       |                |  | <p>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. 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.</p> <p>No change will be made based on this comment.</p> |
| 118.1 | Suzanne Sorkin | These form revisions would collect extensive personal information including financial information without an adequate rationale for doing so. Please do not adopt these form revisions; there is no reason this information needs to be gathered and potentially shared with many others including Medicaid, SNAP, SSI, etc. | No change will be made based on this comment.   |

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| 119.1 | Jonathan Weinstock | <p>USCIS is proposing significant changes to Form I-864, Affidavit of Support, and related Forms I-864A and I-864EZ. The proposed changes would require, among other things, that U.S. citizens, and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information, including the name of the banking institution, account number, routing number, and the names of all account holders. This information is unnecessary and irrelevant given that sponsors are already required to show that they have enough income and/or assets to support their foreign spouse or relative at 125% of the Federal Poverty Guidelines by submitting Federal income tax returns and other relevant documentation.</p> <p>Additionally, USCIS is proposing to require that sponsors must have the Form I-864 and related Forms I-864A and I-864EZ notarized by a notary public. The notary requirement is an inconvenient and needless burden which has no basis in the law. U.S. law permits these forms be executed under penalty of perjury.</p> <p>I am a concerned United States citizen and I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075, for the aforementioned reasons. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>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. 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</p> |
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|       |  |   | <p>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.</p> <p>No change will be made based on this comment.</p> |
| 119.2 |  | <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty</p> | <p>See response to 119.1.</p>   |

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|       |              | <p>guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> <p>Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p>   |   |
| 120.1 | Karin Wolman | <p>I oppose the proposed changes to Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075, and propose that the Form I-944 should add a crucial missing item, allowing space on page 1 or 2 of the I-944 Declaration of Self Sufficiency where intending immigrants should have the opportunity to state clearly and succinctly up front that they have worked 40 qualifying quarters in the United States for Social Security purposes, and are therefore statutorily exempt from enforcement of the Public Charge ground of inadmissibility, per INA 213A(a)(3)(B), and thus need not comply with the forms's additional disclosure requirements. USCIS proposes to require U.S. sponsors of a spouse or relative for a green card to provide personal bank account &amp; routing information. Such data is not needed by USCIS, there is no statutory support for such a requirement, which would be burdensome &amp; invasive for US citizens and LPRs who sponsor a foreign relative, and it would create vast potential for data breaches &amp; identity theft which could be financially ruinous for US petitioners and create enormous financial liabilities for USCIS.</p> | <p>In this 30-day Federal Register Notice, USCIS is only requesting public comments on OMB Control Number 1615-0075.</p> <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |

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|  |  | <p>I am a practicing immigration attorney with over 20 years of experience. The proposed changes are unsupported by law or common sense.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Irrelevant and Unnecessary</p> <p>USCIS has proposed amending Forms I-864, I-864A and I-864EZ to require U.S. citizens and lawful permanent residents sponsoring a foreign spouse or relative for a green card to provide the name of their banking institution, the institution's routing number, the sponsor's or household member's personal bank account number, account holder's full name &amp; SSN, and names of any joint account holders.</p> <p>There is no legal authority for USCIS to require bank account information, and it is neither necessary nor relevant to verify the sponsor's income, which is done by providing Federal income tax returns, W-2 or 1099 wage &amp; earnings statements, and letters of employment. Where the sponsor is using cash assets in a bank account to satisfy 125 percent of the federal poverty guidelines, the I-864 already requires sponsors to provide copies of bank statements. The risk of large-scale identity theft causing irreparable financial harm to US citizens and lawful permanent residents as a result of disclosure of personal bank account information also poses enormous financial &amp; reputational risk to USCIS.</p> | <p>The commenter's suggestion about revising the Form I-944 is outside the scope of this form revision.</p> <p>No change will be made based on this comment.</p> |
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| 120.2 |  | <p>Requiring Form I-864, I-864EZ &amp; I-864A to be Notarized by a Notary Public is a Substantial Needless Burden Inconsistent with U.S. Law</p> <p>Currently, the Forms I-864, I-864A &amp; I-864EZ allow the sponsor (and sponsor's household member) to sign these forms under penalty of perjury. USCIS proposes to require that these forms must be notarized by a notary public in order to be properly executed. Such a requirement is inconsistent with federal law: 28 U.S.C. section 1746 permits all federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. The agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose a burdensome new procedural requirement through a form revision.</p> <p>Such a requirement would impose unnecessary added costs, travel burdens, and logistical challenges on the sponsor/household member to have their forms notarized by a notary public. While particularly burdensome at present, in light of social distancing protocols and stay-at-home orders imposed by local and state authorities, as a result of the COVID-19 pandemic, a notarization requirement would impose substantial unnecessary burdens even under normal business conditions, and it is unsupported by federal law.</p> <p>Karin Wolman</p> <p>In conclusion, I oppose the agency's proposal that would require U.S. citizens and lawful permanent residents sponsoring a foreign</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> |
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|       |   | <p>spouse or relative for a green card to provide detailed personal bank account information on Forms I-864, I-864A, and I-864EZ, and to have these forms notarized by a notary public. I urge USCIS to remove these requirements before new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public. Furthermore, to save time and resources for USCIS Immigration Services Officers and to provide clarity for applicants, Form I-944 should have a section near the beginning of the form to clearly indicate when an intending immigrant has already worked 40 qualifying quarters for Social Security purposes in the US, and is thus exempt from the Public Charge ground of inadmissibility per INA 213A(a)(3)(B), and should be exempted from completing subsequent portions of the form.</p>  | <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>The commenter’s suggestion about revising the Form I-944 is outside the scope of this form revision.</p> <p>No change will be made based on this comment.</p> |
| 121.1 | Vanessa Meraz,<br>Center for Law and<br>Social Policy (CLASP) | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0229&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0229&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>Proposed Revision is Improper Attempt to Bypass Rulemaking and Deter Sponsors The notice of proposed changes to these forms was first published in the Federal Register on October 15, 2019, the date that the "public charge" rule, a rule with drastic implications for family-based immigration, was originally scheduled to take effect. As a result, most immigrants and their advocates were focused elsewhere, and this notice received relatively little attention. USCIS re-opened these for only an additional 30 day comment period on April 10, 2020, in the middle of a global pandemic, with nearly 90 percent of the United States under stay at home orders.<sup>6</sup> Two weeks later, on April 21, 2020, the Office of Information and Regulatory Affairs (OIRA) at the U.S Office of Management and Budget, reported on its website that it had received a proposed rule on the Affidavit of Support on Behalf of Immigrants for review</p> | <p>USCIS disagrees that the proposed changes made in the form revision is a violation of the APA. Also see responses below.</p>   |

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|  |  | <p>under Executive Order 12866.7 This rule is classified as an economically significant rule. In the semi-annual regulatory agenda, OMB reported that "DHS intends to update regulations at 8 CFR 213a to enhance the integrity of the affidavit of support contract between sponsors and the U.S. Government."8 Updating the form in advance of this rulemaking process makes no sense, and appears to be an attempt to bypass the legally required rulemaking process under the Administrative Procedures Act to change the requirements of the affidavit of support with minimal public input, as updates to forms receive far less scrutiny than rulemaking processes.</p> <p>USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. USCIS provides no evidence that these changes would make it more likely that sponsors would provide accurate information on the affidavits of support, which they already must sign on penalty of perjury. These changes do add to the paperwork burden and cost involved in completing the forms. In addition, immigrants who have experience with corrupt governments or have experienced identity theft may be particularly reluctant to share their full bank routing information with the government. Finally, we are deeply concerned that the vagueness and lack of clarity of the section on when sponsors may be required to repay the government for benefits received by the sponsored immigrant will create confusion and fear, discouraging people from serving as sponsors. These negative consequences do not appear to be accidental. We believe them to be the intended result of, and the motivation for, these changes to the form. In other words, these changes are an attempt to use administrative burden as a means to achieve the Trump</p> |  |
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|  |  | <p>Administration's long-standing objective of limiting family based immigration to the United States, particularly from certain countries. Donald Trump has expressed his support for dramatic changes to family-based immigration, particularly when the immigrants come from certain countries. Since the start of his Presidential bid, Trump has made numerous and frequent statements that explicitly express hostility to immigrants from Latin America, Africa, and Middle Eastern countries where the majority of people are not white and have low incomes, which are directly relevant to understanding the administration's motivations. Examples include: • During his first campaign speech, Trump said: "When Mexico sends its people, they're not sending their best. They're sending people that have lots of problems. They're bringing drugs. They're bringing crime. They're rapists."<sup>9</sup> • On January 26, 2017, less than a week after taking office, President Trump issued the first of three executive orders banning people from predominantly Muslim countries from entering or reentering the United States. The ban currently affects millions of people, including hundreds of thousands of U.S citizens and permanent residents, who are prevented from reuniting with family members who live in the designated countries. • In June 2017, Trump said 15,000 recent immigrants from Haiti "all have AIDS" and that 40,000 Nigerians, once seeing the United States, would never "go back to their huts" in Africa.<sup>10</sup> • On July 26, 2017, President Trump expressed his support for the RAISE Act and promised "to create a new immigration system for America. Instead of today's low-skill system, just a terrible system where anybody comes in."<sup>11</sup> However, this bill only received support from three Senators, and was never even heard in committee.<sup>12</sup> • On January 11, 2018 President Trump complained about "these people from shithole countries" coming to the United States and added that the United</p> |  |
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|       |  | <p>States should accept more immigrants from countries like Norway.<sup>13</sup></p> <p>In August 2019, Ken Cuccinelli, the acting director of U.S. Citizenship and Immigration Services, twisted the words of the famous Emma Lazarus poem and said "give me your tired and your poor who can stand on their own two feet and who will not become a public charge."<sup>14</sup> In a subsequent interview, Cuccinelli went a step further, saying the poem referred to "people coming from Europe."<sup>15</sup> • Steven Miller, a lead advisor on immigration affairs, has called said that the temporary suspension of most immigration, purportedly in response to the COVID-19 crisis, is actually the first step in a longer term vision of cutting off immigration, and particularly family-based visas.<sup>16</sup> Miller has been seeking justifications for such restrictions, and for other ways to limit immigration, since the start of the administration.<sup>17</sup> We therefore call upon USCIS to suspend any attempts to change these forms until both the national health emergency caused by COVID-19 has ended, and the proposed rules changing the requirements for the affidavit of support have been published, commented upon, reviewed, and finalized.</p> |   |
| 121.2 |  | <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders. There is no legal</p>  | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the</p> |

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|       |  | <p>authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements. Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim. Individuals with close connections to countries with high levels of government corruption may be particularly concerned about sharing this information with a government agency.</p> | <p>same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p>   |
| 121.3 |  | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I864EZ, to be executed under penalty of perjury. Under its new proposal, USCIS is illegally proposing to add an additional requirement that these forms must be notarized by a notary public in order for the forms to be properly executed. This proposal is also inconsistent with 8 CFR § 213a.2(a)(ii), and the February 15, 2018 USCIS Policy Memo (PM-602-0134.1) entitled "Signatures on Paper Applications, Petitions, Requests, and Other Documents Filed with U. S. Citizenship and Immigration Services." USCIS is therefore</p>  | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary; neither does 8 CFR 213a.2 nor the current USCIS signature policy. 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</p> |

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|       |  | <p>attempting through this form amendment to reinstate an requirement that it expressly eliminated 13 years ago through the promulgation of a final regulation written to comply with a federal statute. The requirement to have the form notarized by a notary public adds undue and unnecessary burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the COVID-19 pandemic. It is also unclear whether a non-U.S. notary would count for this requirement.</p> | <p>agreeing to the support obligation. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> |
| 121.4 |  | <p>Confusing and Incomplete Description of Requirements May Deter Sponsors As noted by the National Immigration Law Center in their comments on this form, the proposed revisions are confusing and incomplete, which makes it more difficult for the public to understand their rights and responsibilities.<sup>18</sup> We concur with the entirety of their detailed recommendations for revising the form, but note in particular the significance of a few particular issues: • We share their concern with the replacement of the modifier, “designated”, with “any” Federal, state, or local means-tested public benefits. Federal law only requires sponsor deeming and liability for certain designated benefits. It is inconsistent with the law to suggest to sponsors that the affidavit of supports would make them liable for other benefits received by the sponsored</p>  | <p>INA 213A(a) and (b) and 8 CFR 213a explain sponsor obligations and responsibilities when executing the Affidavit, including reimbursement of public benefits. The sponsor certification ensures the sponsor is aware and agrees to these obligations. The current I-864 already has language authorizing the release of the information for the administration and enforcement of immigration laws as is permitted by INA 213A. The added consent language clarifies that this includes release of information to DHS from the means-tested public benefit agencies for the purpose of</p>  |

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|  |  | <p>immigrant. • Similarly, the description of when a sponsor can be sued for failure to reimburse the benefit granting agency for benefits omits critical information, namely that the sponsored immigrant must receive those benefits after having become a lawful permanent resident and while the affidavit of support is in effect, and that the agency must have requested repayment of the benefits.</p> | <p>administering and enforcement of immigration laws under the same authority.</p> <p>USCIS notes that the new consent language specifically concludes with “and only as permitted by law.” Therefore, the consent language does not permit disclosure for an unlawful purpose.</p> <p>Finally, sharing the information at issue with DHS is consistent with the referenced statutes because it permits an administering Federal or State agency, working with DHS in support of the efficient administration of its program, to better administer sponsorship requirements, including pursuit of recoupment when warranted from a sponsor who is a liable third party. This information collection supports the purposes of Federal means-tested public benefit programs in assisting the valid administrative needs of the respective programs as they relate to the sponsorship obligations found at section 213A of the INA, 8 U.S.C. § 1631, in DHS regulations at 8 C.F.R. Part 213a, and in applicable guidance.</p> <p>USCIS is editing the Sponsor’s Certification statement in response to this comment. The language will be changed from “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future” to “If you fail to reimburse the benefit granting</p> |
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|       |  |   | agency upon request, you may be found ineligible to be a sponsor in the future” (edits in italics).  |
| 121.5 |  | <p>Conclusion OMB asks those commenting on the proposed revisions to address these issues: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; USCIS provides no evidence that the requirements newly added to the form are needed to ensure the functions of the agency. In fact, as discussed above, they are contradictory to regulatory and statutory requirements. The only justification offered for this form revision is the Presidential Memorandum of May 23, 2019 which emphasizes that "sponsors who pledge to financially support sponsored aliens are expected to fulfill their commitment under the law." However, USCIS offers no evidence to support the implicit claim that the additional requirements will make it more likely that sponsors will support the immigrants they have sponsored. Moreover, even if they did have such evidence, a Presidential Memorandum does not overturn statutory requirements or the Administrative Procedures Act. (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; USCIS provides little detail on how it generated its estimate of the burden of the proposed collection of information. However, we note that between the version of this information collection posted in October 2019 and the one posted in April 2020, the USCIS estimate of the number of people who would need to fill out the form I-864A was reduced</p> | <p>USCIS provides the estimated cost to respondents for completing an information collection in Question 13 of the Supporting Statement. USCIS provides an estimated cost to respondents based on a percentage of an estimated high cost that respondents may incur, as not all respondents will incur every possible cost associated with this collection of information.</p> <p>USCIS will increase the estimated time burden per response for Forms I-864, I-864A, and I-864EZ by an additional 30 minutes.</p> |



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|  |  | <p>dramatically to be identical to the number listed in the 2017 revision. No explanation of the change is provided. In addition, there is no evidence that USCIS has taken into consideration the cost of getting documents notarized, or of additional legal fees that sponsors are likely to incur. (3) Enhance the quality, utility, and clarity of the information to be collected; As noted above, in several cases the changes reduce the clarify of the instructions.</p> <p>(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. The changes have the opposite effect of minimizing the burden of collection of information, in particular through the requirement to get documents notarized. (Only a few states generally permit remote notarization through webcams, although more have temporarily allowed it during the emergency.)</p> <p>Therefore, we call upon OMB and USCIS to suspend any attempts to change these forms until both the national health emergency caused by COVID-19 has ended, and the proposed rules changing the requirements for the affidavit of support have been published, commented upon, reviewed, and finalized. If USCIS persists in going forward with revised forms, we urge it to remove the requirements that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. In addition, we urge changes to language on the forms to clarify the circumstances under which sponsors may be required to repay the government for benefits received by the sponsored immigrant. Our comments include citations to supporting research and documents</p> |  |
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|       |  | for the benefit of USCIS in reviewing our comments. We direct USCIS to each of the items cited and made available to the agency through active hyperlinks, and we request that these, along with the full text of our comments, be considered part of the formal administrative record on this proposed information collection.  |   |
| 122.1 | Anonymous<br>Anonymous                                 | I do not support the proposed changes, which will needlessly further burden immigrants and those who try to support them.  | No changes will be made based on this comment.            |
| 123.1 | Azadeh Erfani,<br>National Immigrant<br>Justice Center | <a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0250&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0250&amp;attachmentNumber=1&amp;contentType=pdf</a><br>The National Immigrant Justice Center (NIJC) submits this comment opposing changes for Form I-864, Affidavit of Support, and related forms. As a legal service organization that serves low-income families, we are deeply concerned about the proposed revisions and urge that USCIS rescind these proposals that may create insurmountable barriers for low-income immigrants eligible for adjustment of status.<br>Headquartered in Chicago, with additional offices in Indiana, Washington D.C., and San Diego, NIJC is a legal service provider and advocacy organization. Each year, NIJC provides legal services to more than 11,000 immigrants, refugees, and asylum seekers applying for lawful status or facing removal. NIJC has provided these services for more than 30 years. All NIJC clients live at or below 200% of the federal poverty line. NIJC provides legal services to many of them on a completely pro bono basis. As a DOJ-recognized organization, our services are either pro bono or provided at substantially reduced rates. <sup>1</sup> Finally, NIJC has represented countless U.S. citizen or lawful permanent residents | See response to 123.2 regarding bank account information. |

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|       |  | <p>(LPR) who are petitioning for lawful status for their loved ones but are further impoverished due to a disability or their fear of seeking public benefits due to the administration’s public charge rules.<sup>2</sup> These clients must rely on relatives or friends to serve as joint sponsors because of their limited means. The proposed rule would incapacitate or deter most NIJC clients from reaching the final step in an already long, often cost-prohibitive, and burdensome journey to become LPRs. We object to the proposed revisions as a senseless and arbitrary imposition of additional barriers that will deprive clients, families, and communities from the meaningful contributions of countless future LPRs. Consequently, NIJC urges USCIS to rescind the proposed revisions. Specifically, USCIS is proposing to require, among other things, that U.S. citizens and LPRs sponsoring their foreign spouse or relatives for adjustment of status provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, NIJC opposes these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. We urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> |  |
| 123.2 |  | <p>1) Requiring Bank Account Information from All Sponsors is Invasive and Unnecessary. USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I864EZ which would require sponsors to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders. There is no basis for this invasive and unnecessary requirement, which is sure to deter many sponsors and household</p>  | <p>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).</p> |

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|  |  | <p>members who are otherwise prepared to support future LPRs. It is unclear where USCIS derives statutory authority to seek disclosure of bank records, for which individuals have a legitimate privacy interest. 3 Furthermore, bank account information is unnecessary since sponsors already must submit federal income tax returns and W-2s, which provide a comprehensive review of a sponsor and their household's financial capacity. Where the sponsor is also relying on their assets to satisfy the 125 percent threshold of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements. Imposing this requirement on all sponsors and household members is unnecessarily intrusive. The demanding nature of Form I-864 and its iterations already confound and deter many families—making this proposed revision a last straw for countless future LPRs. NIJC recently represented Sofia,<sup>4</sup> a woman who sought adjustment of status through her U.S. citizen husband. Due to their limited means, her husband overcame great discomfort to ask for a friend to serve as a joint sponsor and provide the personal and tax information already required under the current forms. Despite his deep desire to complete the immigration process to regularize the status of his wife, Sofia's husband frequently was distraught at the level of detail currently required and ashamed of needing so much information from the joint sponsor. In a case like Sofia's requiring in-depth bank account information would certainly decrease the likelihood of a joint sponsorship agreement moving forward and jeopardize the ability of many to obtain the legal status and family stability provided by law.</p> |  |
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| 123.3 | <p>2) Requiring Notarizing Is a Needless Burden that Will Further Incentivize Fraudulent Parties Who Exploit Vulnerable Families. Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. § 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I864EZ, to be executed under penalty of perjury. Furthermore, USCIS's proposal to require that these forms must now be notarized by a notary public inappropriately attempts to impose a substantive new requirement through a form revision. The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID-19) pandemic. NIJC represents petitioners who already struggle with obtaining the information required simply because of the joint sponsor's demanding work schedule. In one case, for example, NIJC client Diana was forced to rely on a joint sponsor for additional support in her case because her family member petitioning her was near the threshold 125%. Diana and her family spent tremendous time and effort to seek the joint sponsor's information</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> |
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|       |                                     | <p>because of the joint sponsor’s busy schedule. Had the joint sponsor been forced to take time off of work to seek notarization it is unlikely that Diana would have been able to move forward with her immigrant visa petition. Her case would have remained in limbo, as would their prospect to reunite as a family.</p> <p>Finally, notary publics have a rife history of exploiting and defrauding immigrant families. NIJC has issued guidance to families after witnessing case after case where notarization became a gateway for exorbitant fees and unlawful practice of law.<sup>5</sup> By requiring sponsors to visit notaries, USCIS would further expose families to fraudsters who prey on their desperate need to reunite with their families. In addition to being a needless requirement, notarizing would thus potentially create more crime victims and either delay or obstruct family reunification.</p> <p>Families already overcome significant hurdles to sponsor their loved ones. Requiring invasive bank information would deter and chill many sponsors, who are otherwise willing to comply with existing requirements. Imposing notarization is further duplicative and unnecessary, and may contribute to the victimization of families who fall prey to fraudsters. Altogether, these proposed revisions would compromise already frail prospects of family unity for countless U.S. citizens and LPRs. That is why NIJC urges USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> | USCIS has information on its webpage concerning fraud (see <a href="https://www.uscis.gov/avoid-scams/commonscams">https://www.uscis.gov/avoid-scams/commonscams</a> ). |
| 124.1 | Susan Welber, The Legal Aid Society | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0228&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0228&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>B. Sponsor Deeming and Sponsor Liability In addition to our experience in helping family-based adjusters find sponsors, some background on the current administration’s efforts to reform the deeming of sponsor income (“sponsor deeming”) and holding sponsors liable for certain benefits used by sponsored immigrants</p>  | See responses below.  |

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|  |  | <p>(“sponsor liability”) is also relevant to these comments. Following the passage of welfare and immigration reform legislation in 1996, sponsors of family-based immigrants have been required to execute Form I-864, which is an enforceable affidavit of support. Among other things, the affidavit of support is used to determine if the sponsor is financially eligible to serve as a sponsor, who is generally required to have income of at least 125 percent of FPG. The existence of a properly-executed affidavit of support is also considered, among other factors, in determining whether an intending immigrant may be a public charge. 8 U.S.C. § 1182(a)(4). Federal law provides that under certain circumstances, where an immigrant who is approved for an immigrant visa uses certain government benefits, the benefits granting agency can seek reimbursement from the sponsor. There are also provisions of law that permit benefits granting agencies to deem the sponsor’s income available to the immigrant when determining whether they meet financial qualifications for benefits. Sponsor deeming for state benefits was struck down by the New York State Court of Appeals as unconstitutional with respect to state-funded benefits. <i>Minino v. Perales</i>, 79 N.Y.2d 883 (1992). In New York City, sponsor liability was enforced only briefly , starting in 2012. The Legal Aid Society challenged the policy in a putative class action in April 2013, which was settled in May 2014, resulting in the City ceasing to enforce its sponsor liability policy. Starting with a January 2017 leaked, draft executive order that also contained an early iteration of the U.S. Department of Homeland Security’s (DHS) new public charge rule (84 Fed. Reg. 41,292 (Aug.14, 2019)), the President announced his intention to start implementing sponsor deeming and sponsor liability at the very outset of his nascent administration. Two years later, on May 23, 2019, the President issued an executive order calling for federal agencies to take action to enforce deeming and</p> |  |
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|  |  | <p>liability rules. See <a href="https://www.whitehouse.gov/presidentialactions/memorandum-enforcing-legal-responsibilities-sponsors-aliens/">https://www.whitehouse.gov/presidentialactions/memorandum-enforcing-legal-responsibilities-sponsors-aliens/</a> (“the Order”). The Order directs federal agencies to review policies and take actions with respect to both deeming and liability. In addition to so directing both the U.S. Department of Agriculture (USDA) and the U.S. Department of Health and Human Services (HHS), which cover benefits that are historically subject to deeming and liability, the Order contains some new directives:</p> <p>The Order purports to direct the U.S. Departments of Treasury, Commerce, Labor, Housing and Urban Development, Transportation, and Education to consider whether any benefits they administer should be considered means-tested benefits that should be subject to sponsor deeming and liability. • The Order may have implications for how information about sponsors and sponsored immigrants is shared, as it states that procedures and guidance should include “procedures for data sharing with Federal agencies, as appropriate and consistent with law.” There is also reference to USDA and HHS needing to coordinate with DHS regarding the management of records for the purpose of administering and enforcing immigration laws consistently with all other applicable laws. • The Order also directs the U.S. Departments of State (DOS) and DHS to issue guidance on whether sponsors who do not reimburse the government for benefits used by their sponsored immigrants should be eligible to continue to serve as a sponsor for the existing immigrant or other family members. • The Order also directs USDA, HHS, and the Social Security Administration to establish information-sharing procedures with the “Treasury Offset Program,” which collects nontax federal debts through withholding of federal payments that include tax</p> |  |
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|  |  | <p>refunds and benefits payments. This directive suggests an intent to use the program to collect benefit repayments.</p> <p>Although certain agencies have responded to the Order, including Centers for Medicare and Medicaid Services (CMS), which issued guidance to state health departments on August 23, 2019, see <a href="https://www.medicaid.gov/federal-policy-guidance/downloads/sho19004.pdf">https://www.medicaid.gov/federal-policy-guidance/downloads/sho19004.pdf</a>.; Food and Nutrition Service (FNS), which issued guidance on August 23, 2019, see <a href="https://www.fns.usda.gov/snap/resource/state-enforcement-legal-responsibilities-sponsors-noncitizens">https://www.fns.usda.gov/snap/resource/state-enforcement-legal-responsibilities-sponsors-noncitizens</a>; and HHS, which issued guidance on September 13, 2019, see <a href="https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2019-01">https://www.acf.hhs.gov/ofa/resource/tanf-acf-pi-2019-01</a>, none of these actions change current law, which permits the federal government to enforce liability rules only with respect to Family Assistance/TANF, SNAP, SSI, and federal Medicaid. Upon information and belief, the other agencies directed to respond to the Order have not yet done so. Perhaps most significantly, neither DOS nor DHS have issued guidance on whether sponsors who do not reimburse the government for benefits used by their sponsored immigrants should be eligible to continue serving as a sponsor for the primary immigrant or other family members. Despite the work of the agencies required by the Order being unfinished, USCIS has rushed ahead with the Proposed Changes which implicate unsettled aspects of sponsor liability and sponsor deeming that have not been the subject of rule-making, nor even to the agency guidance required under the Order.</p> |  |
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| 124.2 |  | <p>1. Requirement of Including Detailed Bank Account Information As indicated above, each of the forms contain Proposed Changes that would require detailed bank information from sponsors and/or household members. Specifically, sponsors (and household members) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder’s name, and the name of any joint account holders. The sponsor completing a Form I-864 or I-864EZ also is required to certify acknowledgement that the form may be provided to Federal, state, or local agencies in connection with any benefits applications made by the intending immigrant. See Proposed Form I-864, Part 9, D. Disclosure and permission to share such detailed bank information is not authorized under any relevant law. Nor is it necessary to verify income, which is done using tax information, letters of employment, or – where asset information is needed – evidence in the form of bank statements. On its own, and especially combined with the prospect of the forms being shared with unspecified government agencies for an unspecified list of benefits which may or may not implicate the public charge ground of inadmissibility, the new requirements also raise significant privacy concerns. Based on our experience counseling sponsors, many would be extremely wary of serving as a sponsor if they were required to share detailed bank account information in a form, especially a form that they are required to acknowledge may need to be shared with unnamed third parties. The bank information requirements would serve as a deterrent to serving as a sponsor, and make it more difficult for our clients seeking to attain LPR status through a family member to do so.</p> | <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>INA 213A(a) and (b) and 8 CFR 213a explain sponsor obligations and responsibilities when executing the Affidavit, including reimbursement of public benefits. The sponsor certification ensures the sponsor is aware and agrees to these obligations. The current I-864 already has language authorizing the release of the information for the administration and enforcement of immigration laws as is permitted by INA 213A. The added consent language clarifies that this includes release of information to DHS from the means-tested public benefit agencies for the purpose of administering and enforcement of immigration laws under the same authority.</p> |
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|       |  |   | <p>USCIS notes that the new consent language specifically concludes with “and only as permitted by law.” Therefore the consent language does not permit disclosure for an unlawful purpose.</p> <p>Finally, sharing the information at issue with DHS is consistent with the referenced statutes because it permits an administering Federal or State agency, working with DHS in support of the efficient administration of its program, to better administer sponsorship requirements, including pursuit of recoupment when warranted from a sponsor who is a liable third party. This information collection supports the purposes of Federal means-tested public benefit programs in assisting the valid administrative needs of the respective programs as they relate to the sponsorship obligations found at section 213A of the INA, 8 U.S.C. § 1631, in DHS regulations at 8 C.F.R. Part 213a, and in applicable guidance.</p> |
| 124.3 |  | <p>2. Requirement to declare other persons sponsored. Under the public charge rules that went into effect on February 24, 2020, the rules governing household size for the purposes of determining adequate sponsor and intending immigrant income have changed. See, e.g., 8 C.F.R. § 213a.1. The new household definition includes persons for whom the sponsor has a legal obligation as sponsor. It does not include persons for whom there is a pending or denied application for an immigrant visa to whom the signatory to the Form I-864 has no legal obligation. Nevertheless, the Proposed Changes to the Form I-864 and Form I-864EZ both ask whether the sponsor has ever submitted either form for any other intending</p> | <p>USCIS disagrees that the proposed changes alter the current computation of household size.</p> <p>8 CFR 213a.1 defines household size to include “the number of aliens the sponsor has sponsored under any other affidavit of support for whom the sponsor's support obligation has not terminated...”</p> <p>When calculating household size, the form states:</p>  |

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|       |  | <p>immigrants, regardless of the outcome of their application. This is a material change from the current version, which only asks about sponsoring immigrants who are now LPRs. Accordingly, 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 I-864 or I-864EZ, regardless of whether it was withdrawn or the person was denied. This change is inequitable and unlawful and should be rejected.</p>  | <p>“If you have sponsored any other persons on Form I-864 or Form I-864EZ <i>who are now lawful permanent residents and for whom your support obligation has not ended</i>, enter the number here.” (emphasis added).</p> <p>The form Instructions also state, “<b>Note:</b> If you executed a Form I-864 or Form I-864EZ on behalf of an intending immigrant where the support obligation is not yet in effect, <i>that intending immigrant is not counted as part of your household size</i>. However, if that intending immigrant becomes a lawful permanent resident before your support obligation on this Form I-864 becomes effective, that sponsored immigrant is counted as part of your household size.” (emphasis added).</p> <p>An intending immigrant for whom the sponsor executes a Form I-864 or Form I-864EZ, but is not yet an LPR, would not be counted as part of the sponsor’s current household size.</p> |
| 124.4 |  | <p>3. Optional Submission of Credit Report. The Proposed Changes include the option of attaching a recent credit report. This is another unnecessary, unauthorized change that may deter sponsors from serving in this critical role. First, credit reports are notoriously inaccurate. They shed little if any light on the economic health of the sponsor. Second, credit reports are explicitly influenced by factors that have nothing to do with the soundness of a sponsor’s ability to meet their financial obligations to the intending immigrant. For example, if the sponsor is a relatively young person or a new LPR or citizen, then their shorter length of</p> | <p>USCIS disagrees with commenter’s assessment of the utility of the credit reports.</p> <p>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</p>  |

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|       |  | <p>time residing in the U.S. would artificially depress their credit score regardless of their financial health. Finally, even though submitting a credit report is optional, many of our clients will want to do so anyway, feeling that they should submit the strongest application they can, given what is at stake. If their score is low, they may be convinced that they cannot serve as a sponsor, or that there is a risk that they will be denied and that such denial will hurt their family member, the intending immigrant. Given these problems, the Proposed Change regarding credit scores should be rejected.</p>   | <p>determining the sufficiency of the Affidavit of Support Under Section 213A of the INA.</p> <p>No changes will be made based on this comment.</p>  |
| 124.5 |  | <p>B. Arbitrary and Unauthorized Certifications Both Form I-864 and I-864EZ contain a series of new certifications. See, e.g., Form I-864, Part 9, C (requiring certification that the sponsor “may be sued if . . . [the beneficiaries] receive means-tested benefits after admission to the U.S. . . .”); D (requiring certification that the I-864 “may” be shared with “any” federal, state, or local agency that receives an application from the beneficiary for certain benefits, without specifying under what circumstances such sharing would be triggered); F (requiring certification that the sponsor has read the “Sponsor and Beneficiary Liability” section in the instructions and knows their obligations under the Social Security Act and Food Stamp Act).</p> <p>Certification F is particularly egregious. The instructions begin with the misleadingly statement that “any federal, state or local means-tested benefit” needs to be reimbursed (emphasis added) and that the sponsor can be sued for failing to reimburse the relevant agency for the cost of those benefits, but then refers to the reader to a different document, Part 9 of the I-864 itself, where it purports to explain that only certain benefits are considered means-tested benefits subject to reimbursement and collection. The certifications in Part 9, however, are far from clear on this point. The specific</p> | <p>USCIS is editing the Sponsor’s Certification statement. The language will be changed from “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future” to “If you fail to reimburse the benefit granting agency <i>upon request</i>, you <i>may be found</i> ineligible <i>to be a sponsor</i> in the future” (edit in italics).</p> |

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|       |  | <p>section of the instructions referenced in the certification does not offer any clarity. It does not specify the benefits that count. The truth is that, as indicated in the Order, the President wants to greatly expand the benefits that would be reimbursable, but at this time has no authority to do so. That the instructions nevertheless indicate that “any” benefit may need to be reimbursed is utterly misleading.</p>  |  |
| 124.6 |  | <p>Another certification, M, requires the sponsor to certify that if they fail to meet obligations of sponsorship they may become ineligible to sponsor anyone in the future, and is also unauthorized. The requirements of sponsorship set forth in the INA and relevant regulations contain no such requirement. 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 must first satisfy the procedures set forth in the Administrative Procedure Act. USCIS cannot require a potential sponsor to certify, under penalty of perjury no less, any of these exceedingly unfair, arbitrary, and confusing certifications. Even if the agencies follow procedures and issue rules under which these certifications would make more sense, allowing them to go into current forms would be extremely premature at this time. Like the bank account requirement, these certifications appear to be designed to scare potential sponsors away from serving in that role by raising the specter of lawsuits and disqualification from serving as sponsors for future relatives, all without any regard to whether the sponsor is financially qualified to serve in the role of sponsor under existing law and regulation.</p> | <p>USCIS is editing the Sponsor’s Certification statement in response to this comment. The language will be changed from “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future” to “If you fail to reimburse the benefit granting agency <i>upon request, you may be found ineligible to be a sponsor in the future</i>” (edit in italics).</p> |

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| 124.7 |  | <p>C. Requiring Form I-864 and Related Forms to be Notarized. All three forms containing Proposed Changes are now required to be notarized, a sharp departure from the current versions of the forms, which permit the sponsor (and household member, for the Form I-864A) to sign these forms under penalty of perjury. Not only is finding and paying a notary an inconvenience and unnecessary expense, requiring notarization conflicts with federal law. See 28 U.S.C. 1746. Section 1746 explicitly permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Moreover, there is no regulatory authority for this change, which means it is made in violation of the Administrative Procedure Act.</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA</p> |
| 124.8 |  | <p>D. Requirement that household members notify USCIS of a new address within ten days of moving. Form I-864A also includes new language regarding the obligation that a sponsor who is not a U.S. citizen must inform USCIS of his or her new address within 10 days of moving, but the I-864A is used by household members, not sponsors. Subjecting non-sponsor household members to this requirement is contrary governing law. See 8 U.S.C. § 1183a(d); 8</p>  | <p>The current approved instructions for Form I-864A (edition date 10/15/19) already advise sponsors who are not U.S. citizens that they must inform USCIS of an address change. This information is on the I-864A because both sponsors and household members must sign that form.</p>   |

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|       |              | <p>C.F.R. § 213a.3. Household members are very distinct from sponsors in terms of the eligibility and liability requirements. They are not subject to address change reporting requirements, and this Proposed Change should be rejected.</p> <p>III. Conclusion: USCIS Should Withdraw All of the Proposed Changes and Associated Forms and Instructions For each of the foregoing reasons, USCIS should not move forward with the issuance of the forms containing any of the Proposed Changes at this time. Many of the Proposed Changes are not lawful, and appear to be part of an effort to expand sponsor deeming and sponsor liability in response to the President’s Order, with the aim of further diminishing immigration by the family members of U.S. citizens and LPRs. The Proposed Changes are not only harmful to immigrants and their sponsors, but they are unauthorized under existing law. They should be withdrawn.</p> | <p>The address change language was revised to better align with the address change requirements in INA 213A(d)(1). The revisions clarify that all sponsors must notify USCIS of a change of address within 30 days.</p> <p>USCIS is not imposing the address change requirement in INA 213A(d)(1) on household members.</p>               |
| 125.1 | Rachael Hill | <p>This is clearly unfair and I do not support this.</p>  | <p>No changes will be made based on this comment.</p>   |
| 126.1 | Louis Horn   | <p>I am commenting to oppose the proposed revisions to the affidavit of support forms.</p> <p>The proposed revision to I-864 contains no information on why these changes will be useful or any explanation on what problems currently exist, if any, in the existing affidavit of support process.</p> <p>The proposal would require bank account information to be submitted by sponsors and household members. The proposal makes no explanation for how this information will be used or how</p>  | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a</p> |



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|  |  | <p>it will be useful in the affidavit of support process. To me it seems like a case of purposeful government overreach designed to create a chilling effect since the administration is upfront about its efforts to limit immigration in whatever way possible. Any American would be suspicious of government attempts to acquire their bank account information and this attempt seems like an effort to scare more Americans away from the process of sponsoring immigrants. No explanation is given for how this information will improve the affidavit of support process and the relevant statute INA 213A contain no reference to or mention of bank account information.</p> <p>The current affidavit of support requires a declaration under penalty of perjury. The proposed revision would change this to requiring a notarized signature. Very few USCIS forms require a notarized signature and no explanation is given for why it should be appropriate for this form. One USCIS form, the G-639 used for FOIA requests, gives the option to the requestor to use a Declaration under Penalty of Perjury OR a Notarized Signature. To me, this would be an elegant solution if USCIS would like to use more notarized signatures, the agency could give the sponsor or household member an option for whether to use a declaration under penalty of perjury OR a notarized signature. I believe it is fairly obvious that the notarial requirement is an unnecessary step puts an undue burden upon the sponsor. I recommend either abandoning this part of the proposal or to give the sponsor/household member an option to use a notarized signature or declaration under penalty of perjury.</p> <p>Many other changes to the affidavit of support forms are also</p> | <p>requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>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. 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.</p> |
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|       |  | <p>unnecessary. I recommend USCIS continue using the current affidavit of support forms and abandon these changes. If USCIS is intent on revising these forms, the agency should go into more detail in explaining what these revisions are meant to accomplish or what problems with the current affidavit of support process that they are designed to fix. USCIS also does not tie any of these changes back to the original statute INA 213A that governs the affidavit of support process, how do these changes improve the process in reference to the statute?</p>   |   |
| 127.1 | Doug Rand,<br>Boundless<br>Immigration, Inc. | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0268&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0268&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>1. Requiring sponsors to provide a bank account number and routing number Neither the governing statute (8 U.S.C. 1183a) nor regulation (8 CFR 213a) authorizes USCIS to collect bank account and routing numbers. • By regulation, the sponsor must include a tax transcript or return, along with all relevant schedules, W-2s, and 1099s. • By regulation, the sponsor may include letters evidencing current employment and income, paycheck stubs, financial statements, or “other evidence of the sponsor’s anticipated household income for the year in which the intending immigrant files the application.” • If using assets in lieu of income, the sponsor may include “evidence of the sponsor’s ownership of significant assets, such as savings accounts, stocks, bonds, certificates of deposit, real estate, or other assets.” USCIS responded to prior commenters: “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).” This information collection, however, is unauthorized and nonsensical: • Bank account and routing number information is</p> | <p>INA 213A(f)and 8 CFR 213a.2(c)(2) require sponsors to demonstrate the means to maintain income at the required income level and the bank account information is related to demonstrating the means to maintain income. USCIS believes the collection of this information is relevant to the evaluation of a sponsor demonstrating the means to maintain income. USCIS also believes it is consistent with Presidential Memorandum on Enforcing the Legal Responsibilities of Sponsors of Aliens (May 26, 2019) to better ensure sponsors fulfill their commitment under the law.</p> |

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|       |  | <p>entirely irrelevant as evidence of the sponsor’s income, and the only evidence that all sponsors must provide under the agency’s own regulation is a tax transcript or return, along with all relevant schedules, W-2s, and 1099s. • Even if a sponsor chooses to provide evidence of assets in a checking or savings account, the only probative evidence would be a copy of a bank statement showing the current balance, not the bank account number. • USCIS is not receiving permission from the sponsor to directly access their bank account balance, and for that reason alone, USCIS cannot possibly obtain any relevant evidence from the collection of bank account and routing number information. The collection of this needless, unauthorized information will serve only to confuse and intimidate those filling out the form. At worst, this information collection could fall into the hands of someone who sells banking and routing numbers on the black market—again, with no discernable benefit to the agency or the public</p> |  |
| 127.2 |  | <p>2. Effectively requiring sponsors to provide a credit report Neither the governing statute (8 U.S.C. 1183a) nor regulation (8 CFR 213a) authorizes USCIS to collect credit reports. • By regulation, the sponsor must include a tax transcript or return, along with all relevant schedules, W-2s, and 1099s. • By regulation, the sponsor may include letters evidencing current employment and income, paycheck stubs, financial statements, or “other evidence of the sponsor’s anticipated household income for the year in which the intending immigrant files the application.” • If using assets in lieu of income, the sponsor may include “evidence of the sponsor’s ownership of significant assets, such as savings accounts, stocks, bonds, certificates of deposit, real estate, or other assets.” USCIS responded to commenters: “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</p>                                      | <p>INA 213A(f) and 8 CFR 213a.2(c)(2) require sponsors to demonstrate the means to maintain income at the required income level and the credit report is related to demonstrating the means to maintain income. Nothing in the statute or regulations precludes USCIS from considering credit reports as evidence of a sponsor’s means to maintain income under INA 213A(f)(6). USCIS also notes that the revision of the I-864 information collection gives sponsors the option to provide a credit report.</p> |

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|       |  | <p>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.”</p> <p>This information collection is also unauthorized and nonsensical: • Nowhere in the statute or regulation is USCIS authorized to demand a credit report, as evidence of either income or assets. • Even making the credit report “optional” is a de facto demand, since sponsors will inevitably fear—and USCIS is overtly suggesting in its proposed form instructions—that failure to include a credit report will adversely affect the outcome of the adjudication. • Credit report information is entirely irrelevant as evidence of the sponsor’s income. • Credit report information is not among the evidence USCIS is authorized to collect in considering a sponsor’s assets. The collection of this unauthorized information will serve only to impose a needless cost on sponsors with no benefit to the agency or the public.</p> |   |
| 127.3 |  | <p>3. Requiring all signatures to be notarized by a notary public<br/>Neither the governing statute (8 U.S.C. 1183a) nor regulation (8 CFR 213a) authorizes USCIS to require notarized signatures. • 28 U.S.C. 1746 permits federal forms, including Forms I-864, I-864A, and I-864EZ, to be executed under penalty of perjury. • The regulation includes multiple references to the requirement that an individual must “sign” an affidavit of support, as with similar regulations governing many other USCIS forms. • The regulation includes zero mention of any notarization requirement. For the foreseeable future, it would be outrageous and dangerous to require individuals to seek out a notary public when all parties should be practicing social distancing in response to the COVID-19 pandemic. Even</p>   | <p>28 U.S.C. 1746 doesn’t necessarily preclude the use of a notary. Neither INA 213A nor 8 CFR 213a precludes USCIS from requiring notarized signatures. 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</p> |

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|       |  | <p>setting aside these immediate public health concerns, the notarized signature requirement cannot be justified as a legitimate information collection. USCIS responded to commenters: “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...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.” This response is entirely inadequate: • USCIS provides absolutely no evidence of fraud on the part of signatories. • USCIS provides absolutely no evidence that notarized signatures are an efficient and effective way to combat such fraud, in any event. • USCIS clearly admits its goal to deter individuals from “assum[ing] the significant financial responsibility of sponsorship,” which is not an authorized purpose of this information collection. • In any event, a sponsor’s decision to take on financial responsibility has no relationship to the verification of the sponsor’s identity.</p> | <p>sponsor or household member agreeing to the support obligation. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> |
| 127.4 |  | <p>4. Requiring sponsors to make a certification that is logically false USCIS proposes to require sponsors to make this certification: “I acknowledge that if I fail to meet the obligations of sponsorship, I may become ineligible to sponsor anyone in the future.” USCIS explains the above certification in the form itself as follows: “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future.” As commenters have noted, there is no statutory or regulatory basis for these statements. An individual who fails to reimburse a benefit-granting</p>   | <p>USCIS is editing the Sponsor’s Certification statement in response to this comment. The language will be changed from “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future” to “If you fail to reimburse the benefit granting agency <i>upon request, you may be found</i> ineligible to be a sponsor in the future” (edit in italics).</p>   |

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|       |  | <p>agency may be less likely to be found eligible to sponsor someone in the future, due to inadequate finances, but it is simply incorrect to state that such a person “may become ineligible” categorically. USCIS responded to commenters: “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.” This response is entirely inadequate. Neither “put[ting] the sponsor on notice” nor “better enforc[ing] sponsorship obligation” is a sufficient justification for forcing individuals to certify, under penalty of perjury, a statement that is inherently false.</p> |  |
| 127.5 |  | <p>5. Requiring a sponsor’s joint tax filer to provide an irrelevant Form W-2 and/or Form 1099 Neither the governing statute (8 U.S.C. 1183a) nor regulation (8 CFR 213a) authorizes USCIS to require tax information that is irrelevant to income or asset determination. USCIS proposes to require a sponsor’s joint tax filer to submit their W-2 and/or 1099 “even if the joint tax filer does not submit Form I-864A and his or her income will not be used to help meet the sponsor’s income requirement.” USCIS responded to commenters: “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</p>  | <p>The joint filer’s tax returns may be necessary to demonstrate that the income the sponsor is relying on is the sponsor’s and not the joint tax filer’s income. As stated in the original comment response, a joint filer’s income cannot be used to meet the sponsor’s income threshold unless the joint filer files a Form I-864A.</p> |

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|       |  | 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.” This is logically false. Clearly, the joint tax filer’s information is not needed to determine whether the sponsor alone is above or below the required income threshold. There is simply no reason for the agency to impose this burden on such joint tax filers.   |  |
| 127.6 |  | <p>1. Responses to questions posed in the information collection notice The information collection notice states that “[w]ritten comments and suggestions from the public and affected agencies should address one or more of the following four points”: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. None of the proposed changes to the collection of information are necessary for the proper performance of the functions of the agency, as the status quo Forms I-864, I-864A, and I-864EZ already allow the agency to obtain more than enough information to comply with its regulatory and statutory obligations. Likewise, the proposed collection of information will have no practical utility for the agency in the performance of its statutorily authorized duties. If the agency believes otherwise, it has provided no basis for this belief in the information collection request or its response to prior commenters, which were made available as the sole basis for public comments during the current 30-day comment period.</p> <p>(b) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used. The agency’s estimate of the burden of the proposed information collection is both inaccurate and inconsistent. We evaluated three of the agency’s publicly available estimates: § 2019/2020 (DHS response to OIRA) §</p> | <p>USCIS provides the estimated cost to respondents for completing an information collection in Question 13 of the Supporting Statement. The cost per hour may fluctuate based on the estimated cost to respondents and any estimated change in the hour burden per response.</p> <p>USCIS will increase the estimated time burden per response for Forms I-864, I-864A, and I-864EZ by an additional 30 minutes.</p> <p>Consistency in respondent estimates can be expected when they are being provided in such a manner as to cover the 2-3-year information collection approval period provided when OMB concludes on an information collection request.</p> |

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|       |  | <p>2019/2020 (public notice) § 2017 (public notice) As highlighted in the spreadsheet below, we found unexplained issues in comparing these three estimates: 9 1. Why did the agency use an average cost per hour of \$51.47 in 2017, \$41.41 in the current public notice, and \$36.47 in its subsequent response to OIRA? If anything, this number should increase over time with inflation. 2. Why did the agency’s projected volume for Forms I-864, I-864A, and I-864EZ remain unchanged between 2017 and 2020? Surely the agency’s methodology should account for the latest data on recent filing volume, which must have changed since 2017.</p>  |  |
| 127.7 |  | <p>Most importantly, it is entirely unreasonable for the agency to assume that the imposition of a notarized signature requirement, together with other changes, will add only 30 minutes of extra effort. The total extra effort will require an additional 1.5 hours at the very least—for locating a notary public, travel time, signature time, etc. Using a standard cost per hour of \$41.14 and an additional 1.5 hours of time burden above the agency’s current assumption, we found that the total expected cost of this information collection (\$174,762,205) is 43% higher than the estimate that the agency most recently provided to OIRA (\$121,887,171). This is a discrepancy of nearly \$53 million. Compared with the agency’s data from 2017, we found that the total expected cost of this information collection (\$174,762,205) is 40% higher than the apparent status quo (\$125,062,445). This is a discrepancy of nearly \$50 million. These additional burdens are non-trivial and must be addressed by the agency.</p> | <p>USCIS increased the estimated time burden per response by an additional 30 minutes as a result of this comment.</p> |



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| 127.8 |  | <p>(c) Enhance the quality, utility, and clarity of the information to be collected. As described above, the proposed information collection does nothing to enhance the quality, utility, or clarity of the information to be collected. On the contrary, each of the proposed changes would substantially impair the clarity of the information to be collected, as they are unnecessary and will create confusion. In addition, the agency provides absolutely no justification for its proposal to delete the helpful step-by-step checklists that currently appear on the relevant form instructions. (See below for an example from the current Form I-864.) As a general matter, checklists in USCIS form instructions are extremely helpful to users, especially those who lack legal representation or other sophisticated assistance. Cutting these checklists from the I-864 and related forms makes no sense under the basic goals of both the Paperwork Reduction Act and the Plain Writing Act, and can only be understood as a deliberate attempt to make these forms more difficult to successfully complete.</p> | <p>USCIS has reviewed the forms and instructions for plain language and legal accuracy. Where possible, USCIS has employed plain language to improve readability and avoid unnecessary complexity. However, USCIS must also ensure that sponsors and household members have all the information they need to properly complete the forms and understand the specific legal obligations to which they are agreeing.</p> <p>The checklists are now provided on the form’s respective <a href="#">uscis.gov/forms</a> webpages instead of in the Instructions documents.</p> |
| 127.9 |  | <p>(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Nothing in the proposed changes would reduce, let alone minimize, the burden of the collection of information on those who are to respond. In fact, as explained in detail above, the proposed changes would likely burden respondents with an extra cost of some \$50 million each year. The proposed changes would be comparably onerous whether the information is collected via traditional or electronic means, because the burden stems from the nature of the information demanded, not the relative difficulty of transmitting this information in paper format. Finally, contrary to the agency’s most</p>  | <p>USCIS reviewed Forms I-864, I-864A, and I-864EZ and made revisions that are necessary to ensure USCIS collects adequate information about a sponsor’s and/or household members’ financial situation to determine that sponsors and household members can meet their support obligations. The questions and information added are necessary and have practical utility, and therefore in compliance with the PRA.</p>   |

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|        |  | recent assertions to OIRA, this information collection would certainly increase burdens on small entities (e.g. nonprofit organizations and law firms assisting sponsors with their paperwork).  |  |
| 127.10 |  | <p>2. Additional PRA Concerns The proposed changes implicate a number of additional concerns under the Paperwork Reduction Act, above and beyond the questions asked in the information collection notice.</p> <p>a. Absence of the required description of agency’s need and use DHS Management Directive 142-01 establishes the department’s policy implementing the provisions of the Paperwork Reduction Act concerning collections of information. This management directive (referred to here as “DHS policy”) prohibits an information collection unless the Federal Register notice includes “a brief description of the need for the information and proposed use of the information” (§ 1320.5(a)(1)(iv)(B)(3)). In fact, the agency’s notice provides no such description, and does not provide the public with any way to adequately ascertain the agency’s need for, or proposed use of, the additional information under the proposed changes.</p> | USCIS provides a description of the need for and proposed use of the information in the Supporting Statement submitted to OMB. The DHS Management Directive requires preparation of a Federal Register Notice “announcing the Department’s intention to collect information...,” a requirement with which USCIS complied by publishing both a 60-day and a 30-day Federal Register Notice. |
| 127.11 |  | <p>b. Failure to comply with the “least burdensome” standard DHS policy requires that, “[t]o obtain OMB approval of a collection of information, an agency shall demonstrate that it has taken every reasonable step to ensure that the proposed collection of information ... is the least burdensome necessary for the proper performance of the agency’s functions to comply with legal requirements and achieve program objectives” (§ 1320.5(d)(1)). As described in detail above, the proposed changes would create significant new burdens and are wholly unnecessary for the proper performance of the agency’s functions. The agency has not</p>  | USCIS reviewed Forms I-864, I-864A, and I-864EZ and made revisions that are necessary to ensure USCIS collects adequate information about a sponsor’s and/or household members’ financial situation can meet their support obligations. The questions and information added are necessary and have practical utility, and therefore in compliance with the PRA.                            |

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|        |  | demonstrated otherwise to the public, and it is difficult to conceive of how it has demonstrated otherwise to the DHS Chief Information Officer or to OMB.   |   |
| 127.12 |  | c. Inadequate agency review DHS policy provides that the agency designate a “Senior Official” to carry out its responsibilities under the Paperwork Reduction Act, that such official shall “review each collection of information before submission to OMB for review,” and that such review shall include, among other things: ● an evaluation of the need for the collection of information, which shall include, in the case of an existing collection of information, an evaluation of the continued need for such collection; ● a functional description of the information to be collected; ● a plan for the collection of information; and ● a specific, objectively supported estimate of burden, which shall include, in the case of an existing collection of information, an evaluation of the burden that has been imposed by such collection (§ 1320.8(a)). Based on the flawed assumptions and scant justifications provided in the information collection notice, there is no evidence that the agency’s Senior Official adequately conducted these elements of the required review. | Multiple officials at USCIS have reviewed and approved the revised Forms I-864, I-864A, and I-864EZ, up through the Director’s Office. In addition, as part of the 30-day notice, there is a section entitled “ <b>Reasons for Changes</b> ” which summarizes the major changes to the Form I-864, Form I-864EZ, and Form I-864A. In that same section, the 30-day FRN also explains the purpose of the changes. USCIS has fully complied with the Paperwork Reduction Act. |
| 127.13 |  | d. Inadequate disclosure of agency plans DHS policy requires that the Senior Official “shall ensure that each collection of information ... informs and provides reasonable notice of the potential persons to whom the collection of information is addressed of,” among other things: ● the reason the information is planned to be and/or has been collected; and ● the way such information is planned to be and/or has been used to further the proper performance of the   | USCIS published a 60-day and a 30-day notice in the Federal Register notifying the public that Forms I-864, I-864A, and I-864EZ were being revised. Although not required, USCIS created a docket for Forms I-864, I-864A, and I-864EZ at <a href="http://www.regulations.gov">www.regulations.gov</a> and posted the revised forms for interested parties to download, review and provide comments on. In addition, a telephone  |

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|        |  | functions of the agency (§ 1320.8(b)). The information collection notice does not adequately include such disclosures.  | number and email address were provided in the notice to be used by the public to request the form and instructions be sent to them for review. Therefore, adequate notice of the proposed changes was provided.   |
| 127.14 |  | <p>IV. Conclusion Section 1320.5(f) of the DHS Management Directive states that, “to the extent that OMB determines that all or any portion of a collection of information is unnecessary, for any reason, the agency shall not engage in such collection or portion thereof. OMB will reconsider its disapproval of a collection of information upon the request of the agency head or Senior Official only if the sponsoring agency is able to provide significant new or additional information relevant to the original decision.” Moreover, DHS may not use an information collection notice to circumvent the notice-and-comment regulatory requirements of the Administrative Procedure Act (APA).</p> <p>In light of the discussion above, the agency has only three options that are fully consistent with this DHS policy, along with relevant OMB policies, Executive Orders, agency regulations, and statutes: (1) Rescind this information collection notice and retain the status quo forms. (2) Rescind this information collection notice and publish a new information collection notice that actually reduces the paperwork burden of the status quo Form I-864, Form I-864A, and Form I-864EZ. (3) Rescind this information collection notice and publish a proposed rule under the Administrative Procedure Act that provides a full explanation for public comment as to why the proposed changes are consistent with relevant regulations and statutes.</p> | <p>As required by the PRA, USCIS published a 60-day notice in the Federal Register and responded to public comments received based on the 60-day Federal Register Notice. USCIS also published a 30-day notice in the Federal Register and provided responses to the public comments received on that Notice. In response to the 60-day comment period, USCIS explained the reasons why revisions were made to the form and the authorities that permitted those changes. Based on the 30-day comments and in response to the issues raised in this presentation, USCIS is expanding on those responses and clarifying the reasoning for the changes.</p> <p>In terms of substantive changes DHS intends to make, DHS has communicated its intention in the Fall 2019 Unified Agenda to publish a Notice of Proposed Rulemaking to enhance the integrity of the Affidavit of Support. USCIS is not using this information collection notice to circumvent the notice-and-comment regulatory requirements of the APA. Any changes to the I-864 information collection that USCIS believes requires notice-and-</p> |

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|       |               |   | comment rulemaking under the APA are being done as part of the NPRM initiative.   |
| 128.1 | Jaime Langton | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>I am a practicing immigration attorney.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p> <p>No changes will be made based on this comment.</p> |

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|       |  | <p>be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder’s name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Further, USCIS already requires all sponsors to provide tax returns, W-2s, and proof of income. Requiring bank statements in addition to this seems designed to discourage qualified persons from serving as sponsors.</p> <p>Moreover, this new requirement raises significant privacy concerns. Bank account numbers should never be easily accessible to cyber criminals.</p> |   |
| 128.2 |  | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>Currently, the Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury.</p>   | <p>28 U.S.C. 1746 doesn’t necessarily preclude the use of a notary. 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. In addition, since this requirement helps ensure that the individual</p> |

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|       |           | <p>Furthermore, the agency’s proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>It is also completely unnecessary. USCIS already requires proof of lawful status as a part of the application as well as documents only the sponsor would be able to provide. The forms and required supporting documents, as they exist now, provide ample proof of consent, accuracy, and identity.</p> <p>In conclusion, for all the reasons outlined above, I oppose the agency’s proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> | <p>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. USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA</p> <p>No changes will be made based on this comment.</p> |
| 129.1 | Anonymous | <p>I do not support this proposal. It is blatantly unfair towards immigrants, the majority of which are poor and do not have access to the resources, time, and money that this proposal burdens them with. The current paperwork requirements are more than sufficient; these additions are not necessary.</p>  | <p>No changes will be made based on this comment.</p>   |

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| 130.1 | Jessica Chicco,<br>Massachusetts<br>Immigrant and<br>Refugee Advocacy<br>Coalition | <p>On behalf of the Massachusetts Immigrant and Refugee Advocacy Coalition 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.</p> <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0255&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0255&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>I. Requiring Detailed Bank Account Information for All Sponsors is Not Relevant and is an Unnecessary Invasion of Privacy</p> <p>USCIS is proposing to amend the Affidavit of Support forms to require U.S. citizen and lawful permanent resident sponsors to provide detailed bank account information, including the name of the banking institution, the name of any joint account holders, the bank account number, and the routing number. This requirement would also extend to joint sponsors and household members of sponsors whose income is taken into consideration. There is no legal authority for USCIS to require this level of detailed and personal information from all U.S. citizens and lawful permanent residents who sponsor a relative. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income. Verification of income is done through submission of Federal income tax returns, W-2 wage statements, and letters of employment. Requiring that such detailed bank account information be provided raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |
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|       |  | <p>not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim. Reviewing bank account information is only relevant in the context of a sponsor relying on one's assets, rather than income, to satisfy the requirements of an affidavit of support. In those instances, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p>  |  |
| 130.2 |  | <p>II. The Proposed Form Misstates the Sponsor's Liability and Eligibility The proposed form states that a sponsor is "responsible for reimbursing the [benefits] agency for the amount of benefits they provided" to the sponsored individual. However, this information is misleading, as it omits to inform the sponsor that the benefits granting agency must first demand reimbursement before the sponsor is required to repay. The form should be amended to reflect this clarification. Further, the form states that a sponsor may become ineligible for future sponsorships if they fail to reimburse the benefit granting agency. This effectively adds an eligibility requirement for sponsors that is not authorized in the current statute and regulations. 8 USC 1183a(f) and 8 CFR 213.a2. The agency cannot create new requirements through amending a form, and USCIS acknowledges as much by stating: "The regulations governing the Affidavit are provided in 8 CFR 213a and will not be changed by this form change." This unauthorized language should be stricken.</p> | <p><u>Under section 213A of the Act and 8 CFR 213a.4, a sponsor must reimburse the agency upon request of reimbursement. USCIS has made edits to Form I-864 and Form I-864EZ as a result of this comment. The language has been modified to read, "...upon request, you must reimburse the agency that provides the benefits." (Edits in italics.)</u></p> <p>No changes will be made based on this comment.</p> |

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| 130.3 | <p>III. Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Unnecessary Burden on Sponsors Currently, the Form I-864 and related forms permit the sponsor to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. § 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Other immigration forms, including applications for status, are signed under penalty of perjury. The agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision. The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens - in terms of time, costs and logistical challenges - on sponsors and the household members whose income or assets are being used by the sponsor to qualify. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are currently being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID- 19) pandemic.</p> <p>IV. Conclusion In conclusion, for all the reasons outlined above, MIRA opposes the agency's proposed changes that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouses, children, or other relatives for a green card to provide detailed bank account information on Form I-864, Form I-864A, and Form I-864EZ, and</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> |
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|       |                | <p>have these forms notarized by a notary public. We urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p>  | <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA</p> <p>No changes will be made based on this comment.</p>   |
| 131.1 | Vilma Guerrero | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide specific bank account information and have the forms notarized by a notary public. I oppose these requirements and urge the agency to remove them before the new editions of these forms are released to the public.</p> <p>I have been an immigration attorney for 25 years. The proposed changes will result in increased document submissions and encourage frivolous filings bogging down USCIS adjudications and backlogging the courts.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>There is no legal authority for USCIS to require bank name, account number, routing number, the account holder's name, and the name of any joint account holders from all sponsors. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p> <p>No changes will be made based on this comment.</p> |

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|       |  | <p>submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment, where the sponsor is not relying on assets. Requiring such documentation in every case only adds the the mountains of information that adjudicators are already required to review.</p> <p>Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to heightened risk of becoming an identity crime victim.</p>  |  |
| 131.2 |  | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is inconsistent with U.S. Law and pushes individuals to seek advice from unscrupulous notarios.</p> <p>Currently, the I-864 Forms permit the sponsor (and household member) to sign these forms under penalty of perjury. USCIS is proposing to require that these forms must be notarized by a notary public. Such a requirement is inconsistent with federal law. Section 28 U.S.C.1746 permits federal forms, including Form I-864 and related forms to be executed under penalty of perjury.</p> <p>Furthermore, the agency's proposal to require that these forms be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>Notario Fraud is a recognized across the country as a serious problem. I work with individuals who live on the California Central Coast where notario-based immigration fraud is a constant</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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</p> |

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|  |  | <p>problem. Forcing prospective immigrants to have documents notarized only pushes them towards the very same unscrupulous notaries that prey on immigrant communities.</p> <p>In many Latin American countries, the term "notario publico" refers to an individual who has extensive legal training, while in the U.S., a notary's function is simple: to provide impartial witness to the signing of official documents. But in many cases, these individuals often refer to themselves as immigration consultants or experts. They are known to encourage the filing of frivolous, and many times, fraudulent applications with USCIS. The American Bar Association (<a href="https://stopnotariofraud.org/">https://stopnotariofraud.org/</a>), the U.S. Trade Commission (<a href="https://www.consumer.gov/content/notario-fraud">https://www.consumer.gov/content/notario-fraud</a>; <a href="https://www.consumer.ftc.gov/blog/2019/09/notarios-are-no-help-immigration">https://www.consumer.ftc.gov/blog/2019/09/notarios-are-no-help-immigration</a>), and even USCIS itself (<a href="https://www.uscis.gov/avoid-scams/common-scams">https://www.uscis.gov/avoid-scams/common-scams</a>) all warn of the dangers of notario fraud. Requiring individuals to have documents notarized gives these notarios a government legitimacy that they should not have. It will lead to more fraud, not less. I have practiced immigration law long enough to remember the notarization requirement on the Form I-134, a precursor to the I-864. Even though the I-134 was notarized, it was no better at enforcing the financial sponsorship obligation. In practice, the notary checks identification, witnesses a signature and places a stamp on the form. The notary does not administer and oath or verify that the signer is truly willing to accept the support obligation. How is this more secure than a signature signed under penalty of perjury? With the current form, the government already has the signer's identity document, employment information and tax records as part of the I-864 requirements and could easily locate</p> | <p>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.</p> <p>USCIS is aware that a notary public in the United States is not authorized provide legal advice. But they are authorized to witness the signing of important documents such as the Form I-864, Form I-864EZ, and Form I-864A. As commenter noted, USCIS has information on its webpage concerning notarios (see <a href="https://www.uscis.gov/avoid-scams/commonscams">https://www.uscis.gov/avoid-scams/commonscams</a>).</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA</p> <p>No changes will be made based on this comment.</p> |
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|       |                 | <p>the sponsor should it need to. The signature under penalty of perjury creates the legally binding contract. That is enough to enforce the I-864 financial obligation, and many courts have agreed. (Erlar v. Erlar, 2016 U.S. App. LEXIS 10361 (9th Cir. June 8, 2016) The government already has the tools it needs to enforce these contracts, it only needs to decide to do so.</p> <p>I urge USCIS to remove these requirements.</p>   |  |
| 132.1 | Barbara Brandes | <p>Hello I have been an immigration attorney for 40 years. While I understand the aim of this administration in enforcing public charge provisions, your changes fail to accomplish your goal and in fact will negatively impact our economy. Immigrants are important to support our economy and their families. Further your regulations fail to consider that extended immigrant families often live together and their income should be considered in the household family size.</p> <p>Further, since you are reverting to focusing on age, health education and experience as was previously relevant in the I-134, you should focus more on the intending immigrant and allow them to submit proof of previous work, training experience as a way to overcome a potential public charge determination even where a sponsor does not meet the public charge guidelines</p> <p>Further, if a sponsor's tax return and job letter are more than sufficient, bank statements ought not be required.</p> <p>Respectfully submitted</p> <p>Barbara J. Brandes, Esq</p> | <p>INA 212(a)(4) requires certain intending immigrants to submit an Affidavit of Support Under Section 213A (Form I-864 or Form I-864EZ).</p> <p>But INA 213A and 8 CFR 213a control what is necessary for the Form I-864 or Form I-864EZ to be found sufficient and for the support obligation to take effect.</p> <p>The proposed changes concern the requirements under INA 213A and 8 CFR 213a. It does not alter the public charge inadmissibility determination.</p> <p>USCIS intends to collect bank account information on the revised forms. USCIS is not requiring bank statements.</p> <p>With regards to the collection of bank account information, it will be used to evaluate that sponsors and household members can meet their support obligations under INA 213A, and sponsors</p> |

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|       |              |  | <p>have demonstrated the means to maintain income as required by INA 213A(f)(6).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made in response to this comment.</p>   |
| 133.1 | Palma Gianni | <p>I am writing to vehemently oppose the changes to Form I-864, Affidavit of Support, and related forms, in USCIS-2007-0029; OMB Control Number 1615-0075. This rule, if promulgated, would require that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide bank account information and have the forms notarized. I urge the agency to remove these requirements before the new editions of these forms are released to the public. The "form revision" actually creates additional substantive burdens on petitioners, and such additional regulatory requirements -- even if authorized under the applicable statute which these aren't -- can only be promulgated after a full APA Notice and Comment period on the new requirements. Substantive changes to regulations cannot be implemented through a supposed "form revision".</p> <p>There is simply no legal authority for USCIS to require sponsors (and household members whose income and/or assets are being used by</p> | <p>USCIS posted a Federal Register Notice requesting comment on a revision to an information collection, not a notice of proposed rulemaking.</p> <p>USCIS disagrees that the proposed changes are a violation of the APA.</p> <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the</p> |

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|  |  | <p>a sponsor to qualify) to provide not only the name of their bank, but also the routing and account numbers. This is simply outrageous! The issue is whether sponsors can show enough income, or income and assets, to satisfy the requirement that they have 125% of the federal poverty guidelines for their family size, including the new immigrants. Sponsors are required to submit Federal income tax returns, W-2 wage and tax statements, and letters of employment, and evidence of assets if their income alone does not meet that threshold. This USCIS proposed fishing expedition through sponsor's personal financial information is completely unwarranted, and unlawful. It is a naked effort to discourage individuals from sponsoring their relatives, or becoming a third party sponsor, and therefore to reduce legal immigration.</p> <p>The proposed requirement that the forms be notarized is another utterly unnecessarily burden. The forms make it clear that the obligation of the sponsor is a legal contract to provide support, and the forms are signed under penalty of perjury, consistent with 28 U.S.C. sec. 1746. Nothing more is needed, and there is no reason to impose an additional burden. It certainly can't be done without formal notice and comment outside of a supposed form revision.</p> <p>I would also note that it is particularly galling for USCIS to add this unlawful burden at the time of a pandemic. How is someone supposed to have the forms notarized, which requires physical presence with the notary, in the indefinite period of social distancing as a result of the COVID- 19 pandemic?</p> <p>USCIS must abandon this burdensome rule entirely, or at least</p> | <p>same manner as other sensitive information possessed by USCIS.</p> <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal,</p> |
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|       |            | remove the unlawful additional requirements, and make the rule a simple revision to Form I-864, Form I-864A, and Form I-864EZ.   | State, and local guidelines regarding minimizing exposure and spread of COVID-19.<br><br>No changes will be made based on this comment.   |
| 134.1 | Diane Rish | <p>I am an immigration attorney with more than 10 years of experience in immigration law and policy. After reviewing carefully the agency's proposed changes to the Form I-864 and related Forms I-864A and I-864EZ, I am writing to express my opposition to the proposed changes, in particularly USCIS' proposal to collect bank account information and impose a notary requirement. USCIS' proposed changes are yet another attempt by USCIS to impose new requirements on the public, disguised as a form change, for which the agency lacks statutory and regulatory authority.</p> <p>The U.S. Citizenship and Immigration Services (USCIS) is currently proposing significant changes to the Affidavit of Support (Form I-864), and related forms I-864A and I-864EZ. One of the major changes to the Affidavit of Support that USCIS is proposing is to require that U.S. citizens and lawful permanent residents sponsoring a foreign spouse or relative for a green card must disclose detailed bank account information to the federal government on the Affidavit of Support, including the name of the banking institution, account number, routing number, and the names of all account holders.</p> <p>What is most troubling about this proposal is that neither the governing statute nor the regulations authorizes USCIS to collect</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p><br><p>No changes will be made based on this comment.</p> |

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|       |  | <p>such bank account information. The statute and regulations spell out what information and evidence is required to be provided by the sponsor for purposes of sponsoring an immigrant to reside permanently in the United States. By regulation, the sponsor must provide evidence of their income by submitting a copy of their most recent Federal income tax return. By regulation, the sponsor may include letters evidencing current employment and income, paycheck stubs, financial statements, or "other evidence of the sponsor's anticipated household income for the year in which the intending immigrant files the application." If using assets in lieu of income, such as money in a bank account, the sponsor may include evidence of the sponsor's assets, such as savings accounts, stocks, bonds, certificates of deposit, real estate, or other assets. As such, the agency's blanket proposal to require the collection of detailed bank account information from all U.S. citizen and lawful permanent resident sponsoring their foreign spouse or relative for a green card is an unauthorized information collection.</p> |  |
| 134.2 |  | <p>Additionally, USCIS is proposing to require that sponsors must have the Form I-864, and related forms I-864A and I-864EZ, notarized by a notary public. This new notary requirement is an inconvenient and needless burden which has no basis in the law. U.S. law permits these forms to be executed under penalty of perjury. Furthermore, neither the governing statute nor regulations authorizes USCIS to require notarized signatures on the Affidavit of Support and related forms. In fact, the governing regulations include multiple references to the requirement that an individual must sign the affidavit of support, as with similar regulations governing many other USCIS forms. The regulation includes no mention of any notarization</p>   | <p>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. In addition, since this requirement helps ensure that the individual signing the Form I-864, I-864EZ, or</p> |

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|       |  | <p>requirement.</p> <p>The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors by imposing unnecessary costs, travel burdens, and logistical challenges to have these forms notarized by a notary public. This requirement is particularly burdensome and potentially dangerous in light of social distancing protocols and stay-at-home orders that are currently being imposed by local and state authorities, as well as countries around the globe, in response to the 2019 novel coronavirus (COVID-19) pandemic. For the foreseeable future, it would be nonsensical and potentially dangerous for the federal government to require individuals to seek out a notary public when all parties should be practicing social distancing in response to the COVID-19 pandemic.</p> <p>In light of the foregoing, I respectfully request that USCIS eliminate these proposals before releasing the new editions of these form to the public.</p> | <p>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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>No changes will be made based on this comment.</p> |
| 135.1 | Brooklyn Defender Services ("BDS")<br>Submitter's Representative:<br>Tracy J. Lawson | Brooklyn Defender Services ("BDS") submits the attached comment in opposition to the U.S. Citizenship and Immigration Services ("USCIS" or the "agency") Proposed Rule on Agency Information Collection Activities; Revision of a Currently Approved Collection: Affidavit of Support Under Section 213A of the Act, USCIS-2007-0029, OMB Control Number 1615-0075. See 85 Fed. Reg. 20292. See attachment for full comment.  |   |

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|       |  | <a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0253&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0253&amp;attachmentNumber=1&amp;contentType=pdf</a>  |  |
| 135.1 |  | <p>The Proposal to Require Detailed Bank Account Information Is Unnecessary and Unduly Invasive of the Sponsors Privacy USCIS’s proposal to require detailed bank account information from the sponsor or household member is not necessary or relevant to demonstrate the proof of income requirements that the forms are intended to screen for. Requiring the sponsor’s bank account name, routing number, account number, account holder’s name, and other sensitive financial information casts a much wider net than what is necessary to show proof of income and is not even relevant to verifying income. The evidence that USCIS currently requires of a sponsor more precisely proves income, such as W-2 forms, tax returns and transcripts, paystubs, and letters of employment. Furthermore, this proposal is in tension with federal statute. Pursuant to 8 U.S.C. § 1183a(g)(6), certified copies of tax returns is the primary manner to show the ability to maintain a required income level. The statute allows for providing asset-related information for the intended purpose of being “flexible;” not as an additional burden where the sponsor’s tax returns would suffice under 8 U.S.C. § 1183a(g)(6). In addition to being unnecessary and inconsistent with the statutory structure, requiring detailed bank information puts the sponsor’s information at risk for cybersecurity attacks and identity theft. As with all risk of harm, an ounce of prevention is worth a pound of cure: The burden of addressing identity and information stealing is great, and sponsors—who are both U.S. citizens and lawful permanent residents—deserve our</p> | <p>With regards to the collection of bank account information, it 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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |

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|       |  | <p>government’s respect in not putting their identities and sensitive information at risk unnecessarily. Lastly, adding voluminous bank records will cost the agency additional time to review. Specifically, it will require the USCIS officers reviewing adjustment of status applications to pore over a higher quantity of complex evidence, while not enhancing the quality of the information submitted. As stated above, income is easily and clearly demonstrated by W-2 forms, tax returns and transcripts, paystubs, and employer letters. Requiring additional, tangential information will further hamper an already overburdened and backlogged USCIS, and delay approval for those eligible for green cards. Thus, the collection of this sensitive information poses additional burdens on sponsors without any added efficiency or efficacy in meeting the legal requirements, and USCIS has no legal authority to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card.</p> |  |
| 135.2 |  | <p>The Proposed Notarization Requirement Is In Tension with Federal Law and Places Unnecessary Burdens on the Sponsor The proposal to require the I-864, I-864A, and I-864EZ forms to contain a notarized signature is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury as an alternative to notarization. If USCIS does not modify the instructions for these forms to allow for the possibility of an unsworn declaration pursuant to 28 U.S.C. § 1746, rather than a notary, the proposed change would be in violation of the law. Congress has already determined that in federal and regulatory matters requiring a notary public, an unsworn declaration under penalty of perjury is an appropriate substitute. USCIS does not have the authority to require otherwise. The notary requirement also imposes additional, unnecessary related costs,</p>  | <p>28 U.S.C. 1746 doesn’t necessarily preclude the use of a notary. 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. 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</p> |

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|       |  | <p>such as travel burdens, added fees, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. In particular, this requirement presents a public health risk in light of the stay-at-home orders imposed by local and state authorities, and social distancing protocols set forth by the Centers for Disease Control as a result of the COVID-19 pandemic severely impacting the United States and the world. Instituting this requirement would unnecessarily force sponsors and household members to put their health at risk, and ignores the limitations in accessing notaries at this time.</p>  | <p>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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>No changes will be made based on this comment.</p> |
| 135.3 |  | <p>USCIS Is Not Properly Making the Proposed Changes Under the APA<br/>The agency’s attempts to make the abovementioned proposed changes through the instant process of a form revision would violate the Administrative Procedure Act (“APA”)’s requirement that agencies like USCIS use appropriate procedures for rulemaking. See 5 U.S.C. § 553. Although USCIS states in the Notice that it is not changing the regulation governing the Affidavit of Support, see 85 Fed. Reg. at 20293, in fact, some or all of the proposed changes constitute new requirements for sponsorship. Should USCIS impose these new requirements without acknowledging the substantive nature of these changes or providing adequate reasons for them, USCIS would be violating the APA. * * * Accordingly, BDS opposes the proposed changes and urges the agency to reject them. None are statutorily required, some are ultra vires, and each imposes</p> | <p>USCIS disagrees that the proposed changes are a violation of the APA.</p>   |

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|       |                | unnecessary burdens on U.S. citizen and permanent resident sponsors and householder members.   |  |
| 136.1 | Jac Fitzgerald | <p>Requiring documentary evidence and a notary signature suggests that the goal is to prevent fraud. What existing fraud in affidavits of support has been found? What is the full cost of not catching existing fraudulent affidavits of support (if any)? Has this cost been evaluated against the cost of this new obligation? Has the cost and effectiveness of this new step been evaluated against other possible methods of catching any such existing fraud?</p> <p>Has any work been done to assess the availability of public notaries to the population that submits these affidavits, and the likely time or expense that will be required for applicants to have them notarize the documents?</p> <p>Has any work been done to identify valid affidavits of support that may be prevented from submission by meeting the burden of these new requirements, and has that been included in the calculation of the entire public cost?</p> <p>If the affidavit is relying on assets in a bank account, then bank statements are reasonable. If the affidavit is not doing so, then bank statements are unnecessary. And the requirement for a notary public to sign the application is nothing but an attempt to push the cost of enforcing department rules down to the applicants and their communities, and greatly increases the complexity of the</p> | <p>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. 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.</p> <p>USCIS increased the estimated time burden per response for Forms I-864, I-864EZ, and I-864A as a result of the addition of a notary requirement to these forms. USCIS provides an estimated cost to respondents based on a percentage of an estimated high cost that respondents may incur, as</p> |

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|       |  | <p>process. The department should not be outsourcing their work this way.</p>  | <p>not all respondents will incur every possible cost associated with this collection of information.</p> <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |
| 137.1 | Katherine O' Kester,<br>Washington Ethical Society | <p>I submit these comments to the United States Citizenship and Immigration Services (USCIS) regarding its most recent proposed changes to the Forms I-864, I-864A, and I-864EZ and the accompanying Instructions, OMB Control Number 1615-0075, Docket ID USCIS-2007-0029.</p> <p>I owe my life and U.S. citizenship to the legal immigration of my family. My late father was a career U.S. Marine officer from generations of immigrants from Ireland. My late mother came to this country as a "war bride." She was welcomed to live in this country after their marriage during World War II. She married a heroic U.S. Marine officer who was on leave during combat in the South Pacific against the Japanese enemy who were then attacking</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p>   |



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|  |  | <p>and threatening invasion of her home country, Australia. Due to my parentage, I am very opposed to any USCIS regulations that are formulated to discourage legal immigration, especially family members and those sponsored by families.</p> <p>As a citizen, taxpayer, and voter, with strong ethical religious concerns, I oppose the proposed revisions to the process that would require the U.S. citizen and resident sponsors to submit extensive in-depth bank account information in addition to the extensive tax documentation requirements, and the additional requirement of obtaining a notary signature. These are both onerous requirements. Due to rampant cybercrime, it is unwise to force applicants to disclose in-depth bank account details in citizenship documents that will be accessible to public review on request. The document affidavits and tax information that are already required adequately cover this verification process. During this worldwide pandemic of COVID-19, with necessary seclusion to mitigate its lethal spread, newly requiring notary signatures is adding a serious public health risk to applicants who must locate a notary for in-person signatures. The notary will be at this unnecessarily increased risk to personal health also.</p> <p>I wholeheartedly endorse the learned comments submitted by Gabrielle Lessard of the National Immigration Law Center, Tracking No.: 1k4-9ge0-259t. In particular, I concur with the opposition to the USCIS use of language that is overly broad, as Ms. Lessard points out, with the revision that adds "any" to replace "designated" Federal, state, or local means-tested public benefits. USCIS does not have jurisdiction over "any" state or "any" local means-tested public benefits. The revision using "any" instead of "designated" is an obvious instance of language that would result in</p> | <p>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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>No changes will be made based on this comment.</p> |
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|       |                   | <p>unnecessary and immoral intimidation of legal immigrants. During the worldwide pandemic, discouraging legal immigrants from utilizing "any" benefits authorized by their state and local authorities poses unacceptable public health risk to everyone. Every resident, along with every legal immigrant, must avail themselves of any opportunity to participate in state and local public health benefits such as COVID-19 testing in order to mitigate the spread of this deadly disease to any and all members of the public in this country. If USCIS aims to discourage legal immigration by using shortsighted threats of financial reprisal against sponsors of legal immigrants and their families who use "any" public benefits, the outcome could thus be lethal to all parties concerned and to the American public at large.</p> <p>Thank you for your consideration of these comments. Please do not hesitate to contact me with any questions or concerns about my recommendations.</p> |  |
| 138.1 | Anonymous         | <p>I don't approve of these changes. It is an unnecessary burden.</p>   | <p>No changes will be made based on this comment.</p>  |
| 139.1 | Alexandra Blodget | <p>I have been a DOJ accredited representative at a nonprofit immigration legal services organizations for over seven years. I have assisted hundreds of families with affidavits of support. The requirements are already very stringent. Sponsors must provide their tax returns and other proof of income. Requiring bank account routing information will make the process even more difficult.</p> <p>Many, if not most, sponsors will be reluctant to share this very</p>   | <p>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).</p> |

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|  |  | <p>private information given the high level of identity theft in the United States (including by former ICE Chief Counsel in Seattle, Raphael Sanchez). In addition, most people do not have easy access to a notary, which adds one more barrier to an already complicated and time-consuming process. Notarization should not be necessary given that sponsors already sign under penalty of perjury and must provide identity documents. The affidavit of support is a major barrier to many immigrants. Adding unnecessary and intrusive steps will effectively prevent more people from making it to the end - the ultimate result of which is more families separated from their loved ones.</p> | <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>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. 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.</p> <p>No changes will be made based on this comment.</p> |
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| 140.1 | Mary Waltermire | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075.</p> <p>The proposed changes include, among other things, that individuals sponsoring their foreign spouse or relatives for a green card provide extensive bank account information and have the forms notarized. For the reasons below, I oppose these proposed changes as unnecessary, burdensome, and outside USCIS' legal authority.</p> <p>I am an immigration attorney. I represent many U.S. citizens and lawful permanent residents who are sponsoring their family members to lawfully immigrate to the United States. I complete the I-864 and related forms regularly. I see no legal, practical, or public interest in these proposed new requirements.</p> <p>Requiring detailed bank account information from all sponsors is not relevant or necessary and is intrusive without any corresponding public benefit.</p> <p>The proposed requirement to the Form I-864 and related forms would require U.S. citizens and lawful permanent residents sponsoring their foreign family members for a green card to provide in-depth bank account information. For a sponsor to be required to provide such information (name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders) is unnecessary and without legal authority. There is no legal authority for USCIS to require this information from all U.S.</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>No changes will be made based on this comment.</p> |
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|       |  | <p>citizens and lawful permanent residents sponsoring family members. This has nothing to do with verifying income, which is provided by tax transcript or tax return, W-2s, and paycheck stubs. In the cases where a sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements. No other documentation should be required.</p> <p>Moreover, this new requirement raises very significant privacy concerns. Cybercrime and identity theft are becoming more common. Requiring sponsors to disclose detailed bank account information, particularly when it is not even relevant or necessary, exposes them to greater risk of becoming a victim of identity theft.</p> |  |
| 140.2 |  | <p>I can discern no public benefit from requiring such extensive bank account information from sponsors. Instead, it appears to be an unnecessary burden without any corresponding benefit. This proposed requirement should be rescinded before the forms are published.</p> <p>Requiring that I-864s and related forms be notarized is inconsistent with U.S. law and an unnecessary burden. In the past, the I-864 required notarization. USCIS wisely discontinued this requirement as unnecessary because a signature under penalty of perjury was insufficient. I am therefore mystified as to why notarization should now be required again. This is particularly concerning in light of the coronavirus pandemic and social distancing requirements.</p>   | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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</p> |

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|  |  | <p>Currently, the I-864 and related forms permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. This is authorized under federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related forms to be executed under penalty of perjury. This proposed requirement violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision rather than through the normal Notice and Comment requirement.</p> <p>This new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the coronavirus pandemic. Notarization must be done in person. This new requirement would require every sponsor, joint sponsor, and household member to have a face-to-face meeting to complete the form. Requiring this now is egregious and unnecessary. The notarization requirement for the I-864 and related forms was wisely eliminated many years ago. Why go backwards now?</p> <p>For all the reasons listed above, I strongly oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their family members for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these</p> | <p>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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> <p>No changes will be made based on this comment.</p> |
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|       |               | requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.  |   |
| 141.1 | Thomas Robbin | This modification is an unnecessary burden upon the proposed sponsor. As it stands the Affidavit of Support is a legally binding contractual agreement. No further documentation beyond that which is referenced by the current form and its instructions is necessary.             | No changes will be made based on this comment.  |
| 142.1 | Joanne Kim    | Hi,<br>The new changes requiring sponsors to provide notarized account information are an unneeded and unnecessary burden that prevents people from sponsoring immigrants. The process is already so complicated and makes it almost impossible for people to see their loved ones. | 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. 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. |

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| 143.1 | Sophia O         | Research has consistently shown that immigrants contribute to the economy and generate more jobs for the American people. The CDC taskforce working on vaccines is comprised of scientists on the H1B visa. We have nurses and doctors, sanitation engineers and grocery store workers, factory workers and farm workers who are all here as immigrants. It makes no sense that we are ridding America of the very people fighting to make it a better place for all of us. Let's not forget that our country was founded by immigrants fighting for a better place as well. | No changes will be made based on this comment.   |
| 144.1 | Anonymous        | I do not support this revision. It will further burden sponsors and make it more difficult for immigrants to apply for permanent residency.  | No changes will be made based on this comment.   |
| 145.1 | Robin Chen       | I do not approve because it adds unnecessary steps for sponsorships.   | No changes will be made based on this comment.   |
| 146.1 | Emily Willoughby | I submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. I oppose these changes and urge the agency to remove these requirements before the new editions of these forms are released to the public.   | 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).<br><br>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally |



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|       |  | <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS wants to add a requirement to Form I-864 and related Forms I-864A and I-864EZ to require U.S. citizens and lawful permanent residents sponsoring their foreign relatives for a green card to provide in-depth bank account information. Sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information. Bank account information is not necessary to verify the sponsor or household member's income. That is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment.</p> <p>This is just one more way to impose unnecessary hurdles in the process, and discourage applicants.</p> | <p>identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p> |
| 146.2 |  | <p>Requiring Form I-864 and related forms to be notarized by a Notary Public is an inconvenient and needless burden, inconsistent with U.S. Law and therefore should not be required</p> <p>Currently, Form I-864 and related Forms I-864A and I-864EZ permit the sponsor to sign these forms under penalty of perjury. USCIS is</p>   | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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</p>                 |

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|       |  | <p>proposing to require that these forms be notarized by a Notary Public. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury, without requiring notarization.</p> <p>This proposal adds undue and unnecessary burdens on sponsors and household members by imposing unnecessary costs, travel burdens, and logistical challenges. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders as a result of the 2019 novel coronavirus (COVID- 19) pandemic.</p> <p>I strongly urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> | <p>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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> |
| 147.1 | Andrea Kovach,<br>Shriver Center on<br>Poverty Law | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0269&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0269&amp;attachmentNumber=1&amp;contentType=pdf</a></p> <p>The Proposed Revisions to the Instructions and Forms are Not Written in Plain Language As a general comment, the additional language proposed in these revised instructions and forms do not conform to the Plain Writing Act of 2010 (Public Law 111-274) and OMB Guidance Implementing the Act. 1 Specifically, the Guidance</p>  | <p>USCIS has reviewed the forms and instructions for plain language and legal accuracy. Where possible, USCIS has employed plain language to improve readability and avoid unnecessary complexity. However, USCIS must also ensure that sponsors and household members have all the information</p>  |

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|       |  | <p>states that “avoiding vagueness and unnecessary complexity makes it easier for members of the public to understand and to apply for important benefits and services for which they are eligible. Plain writing can also assist the public in complying with applicable requirements simply because people better understand what they are supposed to do.” We note below the many ways the proposed revisions to the instructions and forms create more complexity, and in some instances, are vague, which makes it more difficult for the public to understand their rights and responsibilities. The resulting confusion will lead to costly and inefficient operations of federal agencies and create more burden on the public using the forms as they try to understand and navigate the additional information.</p>   | <p>they need to properly complete the forms and understand the specific legal obligations to which they are agreeing.</p>   |
| 147.2 |  | <p>I. Comments on Proposed Revisions to Instructions to Form I-864 [this issue also applies to the I-864EZ] Means-tested benefits, page 1 In the second paragraph, we are concerned with the replacement of the modifier, “designated”, with “any” Federal, state, or local means-tested public benefits. The instruction then references Part 9 of the contract. Part 9 only refers to the section of federal law that specifies federal programs that are not considered federal means- tested public benefits for purposes of deeming and sponsor liability. Federal benefits determined to be means-tested for purposes of sponsor deeming and sponsor liability are Supplemental Security Income (SSI), food stamps (Supplemental Nutrition Assistance Program or SNAP), Temporary Assistance for Needy Families (TANF), Medicaid (non- emergency), and the Children’s Health Insurance Program (CHIP). The U.S. Department of Health and Human Services outlined the very specific criteria to determine which federal public benefits meet the definition of federal means-tested public benefits under the 1996 welfare law.2 Furthermore, the regulations require that federal, state, local government agencies issue a public notice of their determinations</p> | <p>Form I-864 is governed by INA 213A and 8 CFR 213a. 8 CFR 213a.1 defines means- tested public benefits as “either a Federal means-tested public benefit, which is any public benefit funded in whole or in part by funds provided by the Federal Government that the Federal agency administering the Federal funds has determined to be a Federal means-tested public benefit under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, or a State means- tested public benefit, which is any public benefit for which no Federal funds are provided that a State, State agency, or political subdivision of a State has determined to be a means-tested public benefit...” Therefore, if the benefit granting agency hasn’t determined the benefit to be a means- tested public benefit, it is not considered.</p> |

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|       |  | <p>of which benefits, if any, under their jurisdiction would be considered federal, state or local means-tested public benefits for purposes of these laws. The regulations expressly state that sponsors are not liable for reimbursing government agencies for any benefits received by the sponsored immigrant prior to the time that this public notice is provided. See 8 CFR 213a.4(b). Recommendation: Use of the word “any” is overinclusive and will cause confusion for sponsors as well as sponsored immigrants regarding which benefits are potentially subject to reimbursement under the contract. We ask that the language regarding which benefits are included remain limited to the means-tested benefits that have been designated specifically as such by the federal, state or local entity administering the benefits per regulation.</p>   |  |
| 147.3 |  | <p>[This issue applies to 864 and 864EZ] Sponsor and Beneficiary Liability, page 3 We are concerned with the addition of the sentence: “Under section 213A of the Act, if the individual you are sponsoring receives means-tested public benefits, you must reimburse the agency that provides the benefits, and the agency that provides the benefits may be able to sue you to recover the cost of the benefits provided if you do not reimburse the agency.” The sentence omits an important step in the process, among others, that the agency providing the benefits must make a request to the sponsor for repayment of the benefits. If this step is omitted, one could read the sentence as requiring the sponsor to repay the agency whenever the sponsored immigrant receives the benefit regardless of whether the agency has taken any action to notify the sponsor, seek reimbursement or determine whether liability applies. See 8 USC 1183a(b)(1). Recommendation: The language should mirror the language in the second paragraph under the Section, Means-tested Public Benefits, with the modification above limiting it to designated benefits and adding the italicized additional</p> | <p><u>Under section 213A of the Act and 8 CFR 213a.4, a sponsor must reimburse the agency upon request of reimbursement. USCIS has made edits to Form I-864 and Form I-864EZ as a result of this comment. The language has been modified to read, “...upon request, you must reimburse the agency that provides the benefits.” (Edits in italics.)</u></p> |

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|       |  | helpful language: “If an immigrant sponsored in this affidavit receives designated Federal, state or local means- tested public benefits after having become a lawful permanent resident and while the affidavit of support is in effect, the agency providing the benefit may request that you reimburse the agency for the cost of those benefits. That agency can sue you if you do not reimburse the benefit granting agency for the cost of the means-tested public benefits provided.”  |   |
| 147.4 |  | Liability Due to Misinformation Similar to the section above, it is unclear why USCIS is including information about liability stemming from other federal agencies’ programs and statutory authorities. Again, it is unclear how this is related to the affidavit of support and could cause confusion and concern that it is related to the immigration process. It is also unnecessary and confusing to include the last paragraph regarding its inapplicability to refugees and other categories of individuals who are not required to file an I-864. Recommendation: Strike this section in its entirety.   | INA 213A, 8 CFR 213a and Form I-864 deal with support obligations, which includes reimbursement. This section provides additional clarity on joint and several liability and was added to ensure sponsors are better informed of their obligations. USCIS notes this does not alter the existing support obligations under INA 213A. No changes will be made based on the comment.                  |
| 147.5 |  | II. Comments on Proposed Revised Form I-864 Part 9. Sponsor’s Contract, Statement, Contact Information, Certification, and Signature<br>What If I Do Not Fulfill My Obligations? We are concerned about the paragraph: “If a Federal, state, local, or private agency provided any covered means-tested public benefit to the person who becomes a lawful permanent resident based on this Form I- 864 that you signed, you are responsible for reimbursing the agency for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe. If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future.” The proposed revised language omits the required step, among others, that the benefits granting agency request | USCIS is editing the Sponsor’s Certification statement in response to this comment. The language will be changed from “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future” to “If you fail to reimburse the benefit granting agency <i>upon request, you may be found</i> ineligible to be a sponsor in the future” (edit in italics). |

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|  |  | <p>reimbursement before the sponsor is required to repay the benefits. This may lead the sponsor to believe that they must reimburse the benefits agency upon the sponsored immigrant’s receipt of the benefits regardless of whether the agency has taken any action to notify the sponsor, seek reimbursement or determine whether liability applies. See 8 USC 1183a(b)(1). The proposed addition of the last sentence regarding the possible disqualification of the sponsor to sponsor anyone in the future is not authorized by statute. There is no legal basis for this statement. The statute sets forth the requirements for being a sponsor or joint sponsor. 8 USC 1183a(f). The regulations further define the requirements for being a sponsor. 8 CFR §§ 213a.2(c)(1)(i)(A), (B), and (C)(1). Nowhere in the statute or regulations is it written that reimbursement of means-tested benefits for other sponsored immigrants is a requirement for being a sponsor. The agency cannot create new law through amending a form. The 30-day notice acknowledges this by stating: “The regulations governing the Affidavit are provided in 8 CFR 213a and will not be changed by this form change.” However, adding the above sentence would have the effect of changing the regulations. Moreover, the proposed additional language implies that the sponsor’s obligations continue without exception and in perpetuity.” Recommendation: Replace the above paragraph with the following:</p> <p>“If a Federal, state, local, or private agency provided designated means-tested public benefits to the person who has become a lawful permanent resident based on a Form I- 864 that you signed, while the I-864 is in effect, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.”</p> |  |
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| 147.6 |  | <p>Sponsor Certification, page 8. We are very concerned about the expansion of the certification section that includes authorizations for release of information, including personal identifying information that sponsors are asked to agree to as part of executing the affidavit of support, and that are not related to law enforcement or administration of the programs. Section F, which refers to the Sponsor and Beneficiary Liability section in the instructions, does not include any reference to a sponsor’s responsibilities under the Social Security Act or the Food Stamp Act. It is therefore unclear of what specific responsibilities the sponsor is certifying to being aware. Furthermore, it is outside the scope of USCIS’ authority to require certification of awareness of other federal agency statutory authorities. Recommendation: Strike the second part of the sentence, “and am aware of my responsibilities as a sponsor under the Social Security Act, as amended, and the Food Stamp Act, as amended.”</p> <p>In new Sections L and M, the sponsor must authorize agencies and entities that administer or oversee means-tested public benefits to disclose information concerning the sponsor’s obligations to Department of Homeland Security (DHS) and the Department of State (DOS). It is unclear what authority DHS is using to require this. Only the Federal, state or local agency that provides the means-tested public benefit have authority to enforce the affidavit of support. DHS and DOS have no authority and play no role in enforcement, other than DHS’ providing copies of the affidavit of support to the benefits granting agency and verifying whether the affidavit is valid. There is no obligation that the benefits agency provide information to DHS and DOS regarding sponsor reimbursement. In fact, the agency may violate their own program rules by disclosing the information. State and federal laws protect</p> | <p>INA 213A(a) and (b) and 8 CFR 213a explain sponsor obligations and responsibilities when executing the Affidavit, including reimbursement of public benefits. The sponsor certification ensures the sponsor is aware and agrees to these obligations. The current I-864 already has language authorizing the release of the information for the administration and enforcement of immigration laws as is permitted by INA 213A. The added consent language clarifies that this includes release of information to DHS from the means-tested public benefit agencies for the purpose of administering and enforcement of immigration laws under the same authority.</p> <p>USCIS notes that the new consent language specifically concludes with “and only as permitted by law.” Therefore the consent language does not permit disclosure for an unlawful purpose.</p> <p>Finally, sharing the information at issue with DHS is consistent with the referenced statutes because it permits an administering Federal or State agency, working with DHS in support of the efficient administration of its program, to better administer sponsorship requirements, including pursuit of recoupment when warranted from a sponsor who is a liable third party. This information collection supports the purposes of Federal means-tested public benefit programs in assisting the valid administrative needs of the respective programs as</p> |
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|  | <p>the confidentiality of individuals who apply for or receive public benefits. The federal statute under which the Systematic Alien Verification for Entitlements (SAVE) program was established permits information sharing for the purpose of program administration, and the limited purpose of enforcing child support obligations. However, the statute also requires states to have adequate safeguards to ensure that any program (42 USC 1320b-7(a)(5)). The authorizations requested in the proposed revised I-864 fall outside the parameters authorized by the SAVE and benefits statutes and regulations. In establishing the SAVE system, Congress granted specific authorization to HHS to receive information for child support purposes. 42 USC 1320b-7(a)(4)(B). See also 42 CFR 435.945(c). There is no similar grant of authority to DHS or USCIS. The absence of a similarly specific authorization for sharing information with USCIS for use by USCIS suggests that it is barred by the more general protections against sharing information. Notably, the statute governing the enforcement of the affidavit of support grants authority to the Attorney General to provide information that can be retrieved through the SAVE system, about whether a person has an enforceable affidavit. 8 USC 1183a(a)(3)(C). There is no similar authorization for states to report on their own activities with respect to sponsor reimbursement. And the regulations implementing that provision address only USCIS' provision of information to the states, upon request from the state. 8 CFR 213a.4(a)(v)(3).</p> <p>Neither 8 USC 1183a (the affidavit of support statute), the SAVE statute, nor any other statute, authorizes USCIS to require sponsors to consent to allow other federal and state and local agencies to share information about them as a prerequisite for becoming a sponsor. 42 USC 1320b-7(a)(5)(B) grants various federal agencies the authority to determine the purposes that fall within the scope</p> | <p>they relate to the sponsorship obligations found at section 213A of the INA, 8 U.S.C. § 1631, in DHS regulations at 8 C.F.R. Part 213a, and in applicable guidance.</p> |
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|  |  | <p>of administering the program, versus the “other purposes” for which unauthorized disclosure must be protected (e.g. Secretary of Labor for unemployment compensation). The section below it, 42 USC 1320b-7(d) does not grant DHS/USCIS any similar authority. States that operate health care, nutrition or economic support programs agree to protect the information, and to use and disclose it only for the purposes of determining eligibility or administering the program, with few, very limited exceptions. For example, the Medicaid program requires states to safeguard information concerning applicants and recipients by restricting the use or disclosure of such information to purposes directly connected to the administration of the plan, with very limited exceptions. See 42 USC 1396a(a)(7). Similarly, state agencies that administer SNAP must include in their state plans safeguards that prohibit the use or disclosure of information obtained from applicant households except for the administration of the program or enforcement pursuant to the SNAP statute or other federal assistance programs. See 7 USC 2020(e)(8). The expectation of privacy is critical for all consumers. The proposed information exchanged is protected against unauthorized disclosure and is made available only to the extent necessary to assist in the valid administrative needs of the information sharing here falls outside of these permissible uses, and adds to the fear and confusion that prevents eligible immigrants and their family members from securing critical services. By compelling a sponsor to pre-authorize this otherwise impermissible information sharing, DHS is attempting to circumvent these program privacy and confidentiality protections. This is unnecessary, potentially unlawful, and will create additional burdens for benefits agencies. Recommendation: Strike Sections L and M from Part 9.</p> |  |
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| 147.7 |              | <p>Section N of the proposed revised form requires sponsors to “acknowledge” that failing to meet the obligations of sponsorship, could render them ineligible to sponsor anyone in the future. There is no statutory or regulatory authority for this exclusion from sponsorship. See above discussion. Recommendation: Strike Section N.</p>  | <p>USCIS is editing the Sponsor’s Certification statement in response to this comment. The language will be changed from “If you fail to reimburse the benefit granting agency, you may become ineligible to sponsor anyone in the future” to “If you fail to reimburse the benefit granting agency <i>upon request</i>, you <i>may be found</i> ineligible to be a sponsor in the future” (edit in italics).</p>  |
| 148.1 | Ashley Moore | <p>I submit this comment opposing changes for Form I-864, Affidavit of Support, and related Forms I-864A and I-864EZ. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information &amp; have the forms notarized by a notary public. For the below reasons, I oppose these proposed changes to Form I-864 and related forms. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>I oppose these proposed changes both as a practicing immigration attorney and as a sponsoring US citizen spouse of an immigrant. The proposed changes are unreasonably burdensome and fail to address any legitimate public interest concern. Implementing these changes will have extremely negative impacts on American families by forcing them to jump through unnecessary and invasive hoops in order to obtain lawful permanent resident status for their loved ones.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> | <p>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).</p> <p>With regards to the possibility of not having a bank account, as indicated in the form Instructions, sponsors should “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.”</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a</p> |

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|  |  | <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment.</p> <p>Additionally, this requirement will severely and negatively impact the many individuals who are paid their wages in cash. These individuals are more likely to maintain lower balances in their bank accounts, and requiring detailed banking information will place these individuals at a significant disadvantage. Further, many individuals choose not to have a bank account. This requirement will also have a significant negative impact on those individuals. For many, bank account information is NOT an accurate reflection of their financial circumstances. Therefore, requiring banking information represents a completely unnecessary and unhelpful burden for US citizens and their foreign relatives, while failing to</p> | <p>requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> |
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|       |  | provide USCIS with a meaningful snapshot of individuals' or families' financial situations.   |  |
| 148.2 |  | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>Currently, the Form I-864 and related forms permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under its new proposal, USCIS is proposing to require that these forms must be notarized by a notary public in order for the forms to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>This requirement adds undue and unnecessary burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants,</p> |

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|       |                | <p>by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders as a result of the COVID- 19 pandemic.</p> <p>This requirement has zero benefits, offering absolutely nothing that is not already covered by the attestation on the form and /or the USCIS interview. This requirement is purely designed to add an additional roadblock to US citizens sponsoring a family member.</p> <p>In conclusion, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> | <p>petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p>  |
| 149.1 | Shara Svendsen | <p>I am commenting to respectfully oppose the proposed changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. Among other changes, USCIS proposes requiring that U.S. citizens and lawful permanent residents who are sponsoring their foreign relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ, as I explain below. I urge the agency to remove these proposed requirements from the new editions of the forms..</p>   | <p>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).</p> <p>With regards to the possibility of not having a bank account, as indicated in the form Instructions, sponsors should “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</p> |

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|  |  | <p>I am an immigration attorney with over ten years of experience representing families with their immigration process.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents to provide their bank account information in order to sponsor their foreign spouse or relatives for a green card . The information requested includes the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>USCIS cites no legal authority to require this information from all U.S. citizens and lawful permanent residents who wish to sponsor their foreign-born relatives for permanent residence. There is no such legal authority. In order to verify the sponsor or household member's income, USCIS does not need access to account information. Furthermore, such information is not even relevant to the determination of income, which is accomplished through the provision of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In very limited circumstances, where the sponsor is using assets, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> <p>This unnecessary and irrelevant new requirement raises significant</p> | <p>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.”</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p> <p>No changes will be made based on this comment.</p> |
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|       |  | <p>privacy concerns. As cyber crime and identity theft are more rampant, and government agencies have been victims of hacking, the proposed new requirements would expose U.S. citizen and lawful permanent resident sponsors to significant risk. When this information is neither relevant nor necessary, the heightened risk of identity theft faced by sponsors is unjustified.</p> <p>Requiring personal bank account information also cuts out U.S. citizen and lawful permanent residents who are gainfully employed but do not rely on checking and savings accounts.</p>   |   |
| 149.2 |  | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>The current versions of Form I-864 and related Forms I-864A and I-864EZ permit the sponsor (and household member, if applicable) to sign these forms under penalty of perjury. Under the new proposal, USCIS would require that these forms be notarized by a notary public in order to be properly executed. Such a requirement is inconsistent with federal law. 28 U.S.C. section 1746 permits federal forms, including Form I-864 and related Form I-864A and Form I-864EZ, to be executed under penalty of perjury. Furthermore, the agency's proposal to require that these forms must now be notarized by a notary public violates the Administrative Procedure Act by attempting to impose this new requirement through a form revision.</p> <p>The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors and the</p> | <p>28 U.S.C. 1746 doesn't necessarily preclude the use of a notary. 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. 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.</p> |

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|       |                           | <p>household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID-19) pandemic.</p> <p>In conclusion, for all the reasons outlined above, I oppose the agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p> | <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal, State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS disagrees that adding the requirement of a notarized signature is a violation of the APA.</p> |
| 150.1 | Jeanne Funk, World Relief | <p><a href="https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0274&amp;attachmentNumber=1&amp;contentType=msw12">https://www.regulations.gov/contentStreamer?documentId=USCIS-2007-0029-0274&amp;attachmentNumber=1&amp;contentType=msw12</a></p> <p>I am writing on behalf of World Relief in opposition to USCIS's proposed revision of Form I-864 Affidavit of Support and its associated forms, Agency Information Collection Activities; Revision of a Currently Approved Collection: Affidavit of Support Under Section 213A of the Act (OMB Control # 1615-0075, USCIS Docket ID, USCIS-2007-0029). These forms were reopened for comment as published in the Federal Register by U.S. Citizenship and</p>   | <p>USCIS posted a Federal Register Notice requesting comment on a revision to an information collection, not a notice of proposed rulemaking.</p> <p>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).</p>  |



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|  |  | <p>Immigration Services on April 10, 2020. World Relief appreciates the opportunity to participate and to submit comments and we are filing these comments by the deadline of May 11, 2020.</p> <p>This proposed rule seeks to add to the information collection on Form I-864 Affidavit of Support, and related forms I-864A, I-864EZ, of additional personally identifiable information (PII), namely a sponsors banking information: institution name, bank account number, routing number and names of joint holders of the account. It also seeks to add collecting a sponsors credit report as optional information. Neither form is required to demonstrate what the sponsors annual household income, which is the factor that makes an I-864 Affidavit of Support sufficient or insufficient. The rule also would reinstitute a needless requirement that the I-864 Affidavit of Support and related forms be notarized. USCIS offers these changes with no legitimate justification. They are needless and serve no purpose to the efficient adjudication of Form I-864.</p> <p>USCIS provides no rational for the changes. It states that it has made changes to more thoroughly explain the purpose of the forms, the sponsors and household members 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. Neither the extremely detailed banking information, credit report, nor requiring that these forms be notarized prior to submission serve this stated purpose.</p> <p>World Relief therefore oppose USCISs proposal requiring things, that U.S. citizens and lawful permanent residents sponsoring their</p> | <p>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.</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p> <p>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</p> |
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|       |              | <p>foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. We urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public. Please see our complete comment attached.</p>  | <p>member agreeing to the support obligation. 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.</p>  |
| 151.1 | Cole Enabnit | <p>I respectfully submit this comment opposing changes for Form I-864, Affidavit of Support, and related forms, USCIS-2007-0029; OMB Control Number 1615-0075. USCIS is proposing to require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card provide in-depth bank account information and have the forms notarized by a notary public. For the reasons outlined below, I oppose these proposed changes to Form I-864 and related Forms I-864A and Form I-864EZ. I urge the agency to remove these requirements before the new editions of these forms are released to the public.</p> <p>As an immigration lawyer, I see firsthand how this would negatively and unnecessarily impact my clients. Personally, I completed an I-864 for my wife when she emigrated to the United States. These additional requirements would have been daunting and extremely burdensome to us at the time.</p> <p>Requiring In-Depth Bank Account Information from All Sponsors is Neither Relevant nor Necessary</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>With regards to privacy concerns, USCIS follows all government standards and requirements for protection of its IT systems and appropriately handles all PII in its possession.</p> <p>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</p> |

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|  |  | <p>USCIS is proposing to add a new requirement to the Form I-864 and related Forms I-864A and I-864EZ which would require U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card to provide in-depth bank account information. Specifically, sponsors (and household members whose income and/or assets are being used by a sponsor to qualify) would be required to provide the name of the banking institution, the number of the bank account, the routing number of the account, the account holder's name, and the name of any joint account holders.</p> <p>There is no legal authority for USCIS to require this information from all U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card. Bank account information is not necessary or even relevant in order to verify the sponsor or household member's income, which is done through the submission of Federal income tax returns, W-2 wage and tax statements, and letters of employment. In some limited circumstances where the sponsor is using assets, specifically money in a bank account to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements.</p> <p>Moreover, this new requirement raises significant privacy concerns. In today's environment where cybercrime and identity theft are becoming more rampant, requiring all sponsors to disclose detailed bank account information, particularly when it is not even relevant</p> | <p>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. 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.</p> |
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|       |  | or necessary, exposes them to heightened risk of becoming an identity crime victim.   |   |
| 151.2 |  | <p>Requiring Form I-864 and Related Forms to be Notarized by a Notary Public is an Inconvenient and Needless Burden Inconsistent with U.S. Law</p> <p>The requirement to have the form notarized by a notary public also adds undue and unnecessary burdens on sponsors and the household members whose income and/or assets are being used by the sponsor to qualify to sponsor a foreign national for a green card. In particular, this new requirement would impose unnecessary costs, travel burdens, and logistical challenges on the sponsor/household member to have these forms notarized by a notary public. This requirement is particularly burdensome in light of social distancing protocols and stay-at-home orders that are being imposed by local and state authorities, as well as countries around the globe, as a result of the 2019 novel coronavirus (COVID-19) pandemic.</p> <p>Public "notaries" are often cover operations for unlawful immigration offices. Driving already vulnerable individuals to this notaries will have the unintended consequence of enabling those that would defraud the public.</p> <p>In conclusion, for all the reasons outlined above, I oppose the</p> | <p>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. 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.</p> <p>USCIS is aware of the challenges resulting from COVID-19 and will continue to explore ways to make processing more efficient during the ongoing COVID-19 pandemic. USCIS notes that applicants, petitioner, requestors, and other individuals submitting requests to USCIS should follow Federal,</p> |

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|       |           | <p>agency's proposal that would require, among other things, that U.S. citizens and lawful permanent residents sponsoring their foreign spouse or relatives for a green card must provide in-depth bank account information on Form I-864, Form I-864A, and Form I-864EZ, and have these forms notarized by a notary public. I urge USCIS to remove these requirements before the new editions of Form I-864, Forms I-864A, and Form I-864EZ are released to the public.</p>  | <p>State, and local guidelines regarding minimizing exposure and spread of COVID-19.</p> <p>USCIS has information on its webpage concerning notario fraud (see <a href="https://www.uscis.gov/avoid-scams/commonscams">https://www.uscis.gov/avoid-scams/commonscams</a>).</p>  |
| 152.1 | Anonymous | <p>I respectfully disagree with imposing the proposed changes on OMB Control Number 1615-0075 from the United States Citizen and Immigration Services, Docket ID USCIS-2007-0029.</p> <p>I believe those changes to be unnecessary and only more cumbersome to the applicants. Requiring bank account information does not seem relevant if the agency already requires tax records. Not everybody likes putting money in banks for them to charge fees on many transactions. Also, these applications clearly state that by signing it you enter a contract (added language). Notarizing such a document becomes an extra step for all parties involved. Nonetheless, the application remains a contract, notarized or not.</p> <p>I think it is a good idea to make clarifications on the language of the forms, thus all people signing understand the great responsibility this involves. However, there is no need for all these extra parameters.</p> | <p>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).</p> <p>Information provided to USCIS via mail or electronically for purposes of adjudicating a requested benefit is often sensitive personally identifiable information. Bank account information will be appropriately protected and handled in the same manner as other sensitive information possessed by USCIS.</p> <p>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</p> |

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|  |  |  | <p>member agreeing to the support obligation. 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.</p> |
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