



Instructions for Request for Exemption for Intending Immigrant's Affidavit of Support

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

USCIS
Form I-864W
OMB No. 1615-0075
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What Is the Purpose of Form I-864W?

Form I-864, Affidavit of Support Under Section 213A of the INA, (or in certain cases, Form I-864 EZ, Affidavit of Support Under Section 213A of the INA) is legally required for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and are not likely to become a public charge. Certain classes of immigrants are exempt from the Form I-864 or Form I-864EZ requirement and therefore must file Form I-864W instead.

How Is Form I-864W Used?

You must use Form I-864W instead of Form I-864 or Form I-864EZ with your application for an immigrant visa or adjustment of status if any of the following apply:

- 1. You have earned or can receive credit for 40 quarters of coverage under the Social Security Act (SSA). If you have 40 quarters of SSA coverage, you are exempt from the requirement to file Form I-864 or Form I-864EZ. You can acquire 40 qualifying quarters in the following ways:**
 - A. Working in the United States for 40 quarters in which you received the minimum income established by the Social Security Administration;
 - B. By being credited under section 213(a)(3)(B) of the Immigration and Nationality Act (INA) with quarters worked by your spouse during the marriage or a parent during the time you were under 18 years of age; or
 - C. A combination of the above.

If you are claiming credit for quarters worked by a spouse or parent, you may not count any quarter in which your spouse or parent was receiving means-tested public benefits. Include all SSA forms necessary to establish that you have or can receive credit for 40 quarters of coverage.

- 2. The intending immigrant is a child who will become a U.S. citizen upon entry under section 320 of the Immigration and Nationality Act (INA). Under section 320, some children become U.S. citizens immediately upon admission to the United States or adjustment of status to that of a lawful permanent resident (LPR). A child becomes a citizen under section 320 if :**

- A. At least one parent of the child is a U.S. citizen;
- B. The child is under 18 years of age;
- C. The child is residing in the United States in the legal and physical custody of the U.S. citizen parent after having been lawfully admitted for permanent residence.

For this purpose, a child is "residing" with the parent in the United States if their principal actual home is at the same address in the United States.

Section 320 applies to an adopted child if the child meets the requirements applicable to adopted children under Section 101(b)(1)(E), (F) or (G) of the INA.

If the adopted child, after becoming an LPR, will be residing in the United States in the legal and physical custody of the citizen parent, then a Form I-864W may be filed instead of a Form I-864 or Form I-864EZ if the child is classified:

Under section 101(b)(1)(E) of the INA on the basis of an approved Form I-130 ; OR

Under section 101(b)(1)(F) of the INA on the basis of an approved Form I-600, AND the child was adopted by the petitioner (and spouse, if any) abroad AND at least one adoptive parent personally saw and observed the child before or during the adoption proceeding; OR

Under section 101(b)(1)(G) of the INA on the basis of an approved Form I-800, if the child was adopted by the petitioner (and spouse, if any) abroad.

A Form I-864 or Form I-864EZ is required, instead of a Form I-864W if the child is classified:

Under section 101(b)(1)(F) of the INA on the basis of an approved Form I-600, but the child will be adopted in the United States (if the petitioner is married, this includes a child who will not be adopted by the spouse until after the child's admission to the United States); OR

Under section 101(b)(1)(G) of the INA on the basis of an approved Form I-800, but the child will be adopted in the United States (if the petitioner is married, this includes a child who will not be adopted by the spouse until after the child's admission to the United States).

If a child classified under section 101(b)(1)(F) of the INA was adopted by the petitioner (and spouse, if any) abroad, but neither adoptive parent personally saw and observed the child before or during the adoption proceeding, the child will be considered to be coming to be adopted in the United States *unless* the adoptive parents establish that, under the law of the State of residence, the foreign adoption will be recognized without the need for a "re-adoption" or similar formal court proceeding.

3. **You are filing for an immigrant visa as a self-petitioning widow(er). If you are filing as a self-petitioning widow(er) using Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, you are exempt from the Form I-864 requirements if your Form I-360 is approved and you are applying for lawful permanent residence.**
4. **You are filing for an immigrant visa as a self-petitioning battered spouse or child. If you are filing as a self-petitioning battered spouse or child using Form I-360, you are exempt from the Form I-864 requirements if your Form I-360 is approved and you are applying for lawful permanent residence.**

General Instructions

USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at **1-800-375-5283** and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Signature. Each request must be properly signed and filed. For all signatures on this request, USCIS will not accept a stamped or typewritten name in place of a signature. If you are under 14 years of age, your parent or legal guardian may sign the request on your behalf. A legal guardian may also sign for a mentally incompetent person.

If you are under guardianship, your legal guardian may print your name and sign Form I-864W for you. "Legal guardian" includes any person who is appointed and authorized by law to protect your estate as a result of your incapacity. The legal guardian must present proof of the appointment as legal guardian of your estate and a copy of an order from the appointing court or agency specifically permitting the guardian to make your income and assets available for the support of the sponsored immigrant.

Filing Fee. There is no filing fee to file this request with USCIS. For information on processing fees when filing with the Department of State, see www.travel.state.gov.

Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the **What Evidence Should You Submit** section of these Instructions.

Copies. You may submit legible photocopies of documents requested, unless the instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If you submit original documents when not required, the documents may remain a part of the record, and USCIS will not automatically return them to you.

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

How To Fill Out Form I-864W

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this request, use the space provided in **Part 6. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks “Provide the name of your current spouse”), type or print “N/A,” unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, “How many children do you have” or “How many times have you departed the United States”), type or print “None,” unless otherwise directed.
4. **USCIS ELIS Account Number** (if any). If you have previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide the USCIS ELIS Account Number you were issued by the system. The USCIS ELIS Account Number is **not** the same as an A-Number. If you were issued a USCIS ELIS Account Number, enter it in the space provided.
5. **Part 3. Requestor’s (Intending Immigrant’s) Statement, Contact Information, Certification, and Signature.** Select the appropriate box to indicate that you either read this request yourself or someone interpreted this request for you from English to a language in which you are fluent. If applicable, select the box to indicate if someone prepared this request for you. Further, you must sign and date your request and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every request **MUST** contain the signature of the requestor (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.
6. **Part 4. Interpreter’s Contact Information, Certification, and Signature.** If you used anyone as an interpreter to read the Instructions and questions on this request to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, and his or her email address (if any). The interpreter must sign and date the request.
7. **Part 5. Contact Information, Statement, Certification, and Signature of the Person Preparing this Request, If Other Than the Requestor.** This section must contain the signature of the person who completed your request, if other than you, the requestor. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part 4.** and **Part 5.** If the person who completed this request is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you prepare this request **MUST** sign and date the request. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your request is an attorney or accredited representative, he or she must also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited, along with your request.

- 8. Part 6. Additional Information.** If you need extra space to provide any additional information within this request, use the space provided in **Part 6. Additional Information**. If you need more space than what is provided in **Part 6**, you may make copies of **Part 6** to complete and file with your request, or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.

We recommend that you print or save a copy of your completed application to review in the future and for your records.

What Evidence Should You Submit?

You must submit all evidence requested in these instructions with your request.

If you fail to submit required evidence, USCIS or the Department of State may reject or deny your request for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions.

What Is the Filing Fee?

There is no filing fee to file Form I-864W with USCIS. For information on processing fees when filing with the Department of State, see www.travel.state.gov.

Where to File?

Please see our Web site at www.uscis.gov/I-864W or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this request. For TTY (deaf or hard of hearing) call: **1-800-767-1833**. For information on filing with the Department of State, see www.travel.state.gov.

Address Change

If you have filed with USCIS and have changed your address, you must inform USCIS of your new address within 30 days of the change. To do this, you must complete and file Form I-865, Sponsor's Change of Address. For information on filing Form I-865, go to the USCIS Web site at www.uscis.gov/I-865 or contact the National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**. For information on reporting change of address to the Department of State, see www.travel.state.gov.

NOTE: Do not complete Form I-865 at the same time that you complete Form I-864W. You should complete and submit Form I-865 to USCIS only when the address you indicated on the original Form I-864W has changed.

If you are a lawful permanent resident sponsor, you must notify USCIS of your new address within 10 days of moving from your previous residence. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

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

Processing Information

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

Requests for More Information. We may request that you provide more information or evidence to support your request. We may also request that you provide the originals of any copies you submit. USCIS will return any requested originals when they are no longer needed.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your request. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

Decision. The decision on Form I-864W involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

USCIS Forms and Information

To ensure you are using the latest version of this request, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our online system, **InfoPass**, at infopass.uscis.gov. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen. If filing with the Department of State, see www.travel.state.gov.

Penalties

The Government may pursue verification of any information provided on or in support of this request. If you include in this affidavit of support any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.

If you fail to give notice of your change of address, as required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3, you may be liable for the civil penalty established by 8 U.S.C. 1183a(d)(2). The amount of the civil penalty will depend on whether you failed to give this notice because you were aware that the immigrants you sponsored had received Federal, state, or local means-tested public benefits.

If the failure to report your change of address occurs with knowledge that the sponsored immigrant received means-tested public benefits (other than benefits described in section 401(b), 403(c)(2), or 411(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which are summarized in the sponsor's contract in **Part 8.** of Form I-864) such failure may result in a fine of not less than \$2,000 or more than \$5,000. Otherwise, the failure to report your change of address may result in a fine not less than \$250 or more than \$2,000.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this request, and the associated evidence, is collected under the Immigration and Nationality Act, section 101, and in 8 U.S.C. 1182a(4), 1183a, 1184(a), and 1258.

PURPOSE: The primary purpose for providing the requested information on this request is to determine if you have established eligibility for the immigration benefit for which you are filing. The information will be used principally by an immigration judge, USCIS, or a Consular Officer to whom it is furnished, to determine an alien's eligibility for benefits under the Immigration and Nationality Act, specifically whether he or she has adequate means of financial support and will not become a public charge. DHS will use the information you provide to grant or deny the immigration benefit you are seeking.

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

ROUTINE USES: DHS may share the information you provide on this request with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File, Index, and National File Tracking System of Records] which you can find at www.dhs.gov/privacy. DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 1 hour per response, including the time for reviewing instructions, gathering the required documentation and information, completing the request, preparing statements, attaching necessary documentation, and submitting the request. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0075. **Do not mail your completed Form I-864W to this address.**