



Submitted via Regulations.gov

Samantha Deshommès
Chief, Regulatory Coordination Division
Office of Policy and Strategy
United States Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20746

RE: OMB Control Number 1615-0075, Docket ID USCIS-2007-0029; Public Comment in Response to the Revision of Forms I-864, I-864A, I-864EZ.

Dear Chief Deshommès,

The Catholic Legal Immigration Network, Inc (CLINIC),¹ submits these comments connection with the proposed changes to Form I-864, Affidavit of Support under Section 213A of the INA, and Instructions for Form I-864, Affidavit of Support under Section 213A of the INA.

Embracing the Gospel value of welcoming the stranger, CLINIC has promoted the dignity and protected the rights of immigrants in partnership with a dedicated network of Catholic and community legal immigration programs since its founding in 1988. CLINIC's network, originally comprised of 17 programs, has now increased to more than 430 diocesan and community-based programs in 48 states and the District of Columbia. CLINIC is the largest nationwide network of nonprofit immigration programs. Through its affiliates, CLINIC advocates for the just and humane treatment of noncitizens by providing legal services to low-income immigrants and creating and disseminating educational materials for their local communities. CLINIC's affiliates regularly assist clients with family-based immigration, a benefit that will be affected by the proposed changes to Form I-864 and its Instructions.

I. SPECIFIC CONCERNS REGARDING THE PROPOSED CHANGES

a. CLINIC Recommends the Following Adjustments to the Proposed Changes to the Form I-864:

CLINIC recommends the following adjustments:

¹ Charles Wheeler, Senior Attorney/Director Emeritus & Carolina Rivera, Federal Advocate & Liaison Attorney authored these comments. The authors would like to thank Nubia Torres, Director of Network Services, Karen Sullivan, Director of Advocacy, Jennifer Riddle, Director of Training and Technical Assistance, and Val Christian, Programs Assistant for their contributions to this comment.

1. On **Part 1, page 1**, the proposed Form current language states: “**NOTE:** If you are filing this form as a sponsor, you must include proof of your U.S. citizenship, U.S. national status, or lawful permanent resident status.”

CLINIC proposes deleting the conditional language: “if you are filing this form as a sponsor...” Everyone completing Form I-864 is a sponsor, so there is no need to include that language. It would be more accurate to state it the following way: “**NOTE:** As a sponsor you must include proof of your U.S. citizenship, U.S. national status, or lawful permanent resident status.”

2. On **Part 7, page 7, item 10** the proposed language states as follows: “Add together **Item Numbers 4., 5.b., and 9.** And enter the number here.” CLINIC proposes deleting **5.b** since there is no Item Number 5.b. The proposed text should read: “Add together **Item Numbers 4., 5., and 9.** And enter the number here.”
3. On **Part 8, page 8**, the proposed language states: “**Note:** Select the box for either **Item A. or B.** in **Item Number 1.** If applicable, select the box for Item Number 2.

Sponsor’s Statement.” CLINIC proposes a change in where the language is placed. The position of the proposed language is incorrect; it precedes the section *Sponsor’s Statement*” when it should follow it. Otherwise, as currently positioned, it pertains to the preceding section titled “**When Will These Obligations End?**” Proposed Change:

“Sponsor’s Statement

Note: Select the box for either **Item A. or B.** in **Item Number 1.** If applicable, select the box for Item Number 2.”

4. On **Part 11, page 12**, the proposed language states: “**Part 9. Additional Information**”; it should read “**Part 11. Additional Information.**”

b. CLINIC Recommends the Following Adjustments to the Proposed Changes to the Instructions for Affidavit of Support Under Section 213A of the INA:

CLINIC recommends the following adjustments:

1. On **Page 2. Who needs to Submit Form I-864?** The proposed language states: “**5. Accompanying a Principal Intending Immigrant**

Intending immigrants accompanying a principal intending immigrant must submit clear and true photocopies of any relevant Form I-864(s) and attachments filed on behalf of the principal intending immigrant.”

Accompanying derivatives need to submit a copy of the I-864 but not the attachments filed by the principal intending immigrant. See 8 CFR § 213a.2(g)(1). This issue is also dealt with on page 16, Do I Need to Submit a Separate Affidavit for Each Family Member? But in that section, the documentation requirement is stated correctly: “If you are sponsoring such dependents, you only need to provide a photocopy of the original Form I-864, as long as these dependents are immigrating at the same time as the principal immigrant or within six months of the time he or she immigrates to the United States. You do not need to provide copies of the supporting documents for each of the photocopied Form I-864s.”

As such, CLINIC proposes the following change:

“5. Accompanying a Principal Intending Immigrant

Intending immigrants accompanying a principal intending immigrant must submit clear and true photocopies of any relevant Form I-864(s) but do not have to submit copies of attachments filed on behalf of the principal intending immigrant.”

II. CONCLUSION

CLINIC, while supporting most of the proposed changes to the Forms I-864, Affidavit of Support Under Section 213A of the INA; I-864A, Contract Between Sponsor and Household Member; I-864EZ, Affidavit of Support Under Section 213A of the INA, urges the USCIS to consider the proposed changes detailed above. CLINIC applauds the efforts of the administration to improve the language and correct certain ambiguities or errors in the current version of the form. These changes will assist legal services organizations that directly serve noncitizens filing these applications.

Thank you for your consideration of these comments. Please do not hesitate to contact Karen Sullivan, Director of Advocacy, at ksullivan@cliniclegal.org, with any questions or concerns about our recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Anna Gallagher". The signature is written in a cursive style with a large initial "A".

Anna Gallagher
Executive Director