

I-864W, Intending Immigrant's Affidavit of Support Exemption

Instructions

How Should I Complete This Form?

- Print clearly or type your answers using CAPITAL letters.
- Use black or blue ink.
- If you need extra space to answer any item:
 - Attach a separate sheet of paper (or more sheets if necessary); and
 - Write your name, Social Security number and the words "Form I-864W" on the top right corner of the sheet; and write the number and subject of each question for which you are providing additional information.

What Is the Purpose of This Form?

The Form I-864 is legally required for many family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and that they are not likely to become a public charge. Certain classes of immigrants are exempt from the I-864 requirement and therefore must file Form I-864W instead of Form I-864 or Form I-864EZ. For more information about Forms I-864, I-864EZ, or I-864W, or to obtain related forms please contact:

- The USCIS Website (www.uscis.gov);
- The National Customer Service Center (NCSC) telephone line at 1-800-375-5283 TTY: (1-800-767-1833); or
- Your local USCIS office by using InfoPass.

How Is This Form Used?

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

- (1) **You have earned (or can be credited with) 40 quarters of coverage under the Social Security Act (SSA).** If you have 40 quarters or SSA coverage, you are exempt from the requirement to file Form I-864. You can acquire 40 qualifying quarters in the following ways:
 - Working in the United States for 40 quarters in which you received the minimum income established by the Social Security Administration; or
 - By being credited under section 213(a)(3)(B) of the Immigration and Nationality Act with quarters worked by your spouse during the marriage or a parent during the time you were under 18 years of age; or
 - 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 the spouse or parent was receiving means-tested public benefits. Include all SSA forms necessary to establish that you have or can be credited with 40 quarters of coverage.

- (2) **Intending immigrant is a child who will become a U.S. citizen immediately upon entry under the Child Citizenship Act of 2000 (CCA).** Under the CCA, some children become U.S. citizens immediately upon admission to the United States or adjustment of status to that of a lawful permanent resident. For this classification to apply:

- At least one parent of the child is a U.S. citizen;
- The child is under 18 years of age at the time of admission or adjustment of status;
- The child is residing permanently in the United States in the legal and physical custody of the U.S. parent; and
- If the child is an alien orphan child adopted abroad, the adoption was legally finalized prior to admission to the United States and both adoptive parents or the unmarried U.S. citizen parent personally observed the alien orphan before or during the adoption proceeding.

If the citizen parent(s) adopted the alien orphan abroad, but at least one of the adoptive parents or the unmarried parent did not see and observe the alien orphan before or during the foreign adoption proceeding, then an affidavit of support under this part is still required unless the citizen parent submits evidence that, under the law of the state of the alien orphan's intended residence in the United States, the foreign adoption decree is entitled to recognition without the need for a formal administrative or judicial proceeding in the State of proposed residence. Orphans whose adoptions are not legally finalized until after admission to the United States will **not** qualify for this exemption and must file a Form I-864.

- (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, you are exempt from the Affidavit of Support 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 Affidavit of Support requirements if your Form I-360 is approved and you are applying for lawful permanent residence.