

Comments on OMB Control No. 1615-0014 (USCIS Form I-134)

The enforceable Affidavit of Support (I-864) is used for most Family-Based immigrants and a few Employment-Based immigrants (*where the employer is also a relative or a relative has an ownership interest in the petitioning business*).

The unenforceable Affidavit of Support (I-134) is generally only used for *certain* non-immigrant classes where it is more relevant for them to show that they will not become a public charge. Many visa applicants are unclear about which non-immigrant visa (NIV) applicants might *require* an I-134 and which *might be helped* by one.

Additionally, one particular class of immigrant might also need an I-134 if without sufficient savings, professional qualifications, or a job offer. That is the Diversity Visa lottery winner (DV) immigrant. Several other immigrant categories require neither form.

<u>Class</u>	<u>Description</u>
<p><i>“A” non-immigrants do not need any Affidavit of Support. These folks have secure incomes and enjoy diplomatic immunity or other privileges. Certain dependents may get an EAD.</i></p>	
A1	Foreign government officials and families: ambassadors, public ministers, career diplomats, or consular officers
A2	Foreign government officials and families: other foreign government officials or employees
A3	Foreign government officials and families: attendants, servants, or personal employees of A-1 and A-2 classes
<p><i>“B1” non-immigrants do not require any Affidavit of Support. These folks are coming for a business reason, they have secure incomes. “B2” NIVs do not need any Affidavit of Support. These folks have to prove financial ability to cover their pleasure trip. “B” non-immigrants might be coming for medical treatment or some other crucial purpose and as such may be required to post a bond if their financial ability is in question. “B” non-immigrants along with “F” non-immigrants are the only two NIV classes that are subject to a statutory provision that allows a Consular Officer to demand a bond be posted with DHS in advance of issuance of the visa.</i></p>	
B1	Temporary visitors: for business
B2	Temporary visitors: for pleasure
<p><i>“C” non-immigrants do not need an Affidavit of Support. Some will never leave the airport and the others may be quasi-diplomats with privileges and immunities.</i></p>	
C1	Transit aliens: aliens in transit
C2	Transit aliens: aliens in transit to the United Nations
C3	Transit aliens: foreign government officials and families in transit
<p><i>“D” non-immigrants do not need an Affidavit of Support. These folks enter the U.S. as part of their job and if allowed to stay or transit, it is for a very short time. Since these folks cannot change status even through marriage to a USC, they have no real incentive to overstay. On a rare occasion, a plea for asylum, withholding of removal (WOR,) or CAT Relief might be granted.</i></p>	
D	Crewmembers
<p><i>“E” non-immigrants do not need an Affidavit of Support. These folks are coming to work, expand or build a business. They have to prove their financial ability in order to be approved for the visa. Some spouses work outside the business with an EAD while E1 or E2 spouses and kids can work in the principal’s business.</i></p>	
E1	Treaty traders and investors: treaty traders
E2	Treaty traders and investors: treaty investors
E3	Treaty traders and investors: Australian Free Trade Agreement

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“F” non-immigrants do not require an Affidavit of Support. “F” non-immigrants are coming to attend school and must be able to show that they can afford to pay for tuition, housing, and all other expenses. Only in special cases will a hardship waiver be granted that allows an existing foreign student to obtain work authorization due to financial need. After the first year of study, the non-immigrant student may be allowed to work on-campus or off-campus especially as a part of their preparation for their anticipated careers. “F” non-immigrants along with “B” non-immigrants are the only two NIV classes that are subject to a statutory provision that allows a Consular Officer to demand a bond be posted with DHS in advance of issuance of the visa.

F1	Students and exchange visitors: academic students
F2	Students and exchange visitors: spouses and children of academic students
F3	Students and exchange visitors: Canadian or Mexican national academic commuter students

“G” non-immigrants do not need any Affidavit of Support. These folks have secure incomes and enjoy quasi-diplomatic immunity or other privileges. Certain dependents may get an EAD.

G1	Representatives to international organizations and families: principals of recognized foreign governments
G2	Representatives to international organizations and families: other representatives of recognized foreign governments
G3	Representatives to international organizations and families: representatives of nonrecognized or nonmember foreign governments
G4	Representatives to international organizations and families: international organization officers or employees
G5	Attendants, servants or personal employees of representatives

The following folks are treated pretty much like ordinary “B” non-immigrants except that they do not have to get an actual physical “visa” in their passports before travelling but still have to jump through some specific hoops before commencing travel.

GT	Temporary visitors: for pleasure, visa waiver, Guam Only
GB	Temporary visitors: for business, visa waiver, Guam Only
GMB	Temporary visitors: for business, visa waiver, Guam or Northern Mariana Islands
GMT	Temporary visitors: for pleasure, visa waiver, Guam or Northern Mariana Islands

The following non-immigrants are all employment-based so the petitioning employer (or an alien self-petitioner) has to prove this aspect in order to be approved for and issued that particular visa.

H1B	Temporary workers and trainees: specialty occupations
H1B1	Temporary workers and trainees: Chile and Singapore Free Trade Agreement
H1C	Temporary workers and trainees: registered nurses participating in the Nursing Relief for Disadvantaged Areas
H2A	Temporary workers and trainees: seasonal agricultural workers
H2B	Temporary workers and trainees: seasonal nonagricultural workers
H2R	Temporary workers and trainees: returning H-2B workers
H3	Temporary workers and trainees: trainees
H4	Temporary workers and trainees: spouses and children of H-1, H-2, and H-3 workers
I1	Representatives of foreign information media and families

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“J” NIVs may be for study, or employment, or a combination of the two. These folks have sponsoring organizations that must qualify and demonstrate financial compensation and employment aspects to the State Department under recent rules with more stringent requirements to avoid abuse to the aliens. Their dependents may get an EAD

J1	Students and exchange visitors: exchange visitors
J2	Students and exchange visitors: spouses and children of exchange visitors

Fiances(ees) of a USC and their kids as well as spouses and children of a USC are expected to file for adjustment of status shortly after entry. They are treated almost like a family-based Immigrant and most must file an I-134. It may be understood as sort of like a pre-screening for the anticipated future I-864.

K1	LIFE Act: fiancees(ees) of U.S. citizens
K2	LIFE Act: children of fiancees(ees) of U.S. citizens
K3	LIFE Act: spouses U.S. citizens, visa pending
K4	LIFE Act: children of U.S. citizens, visa pending

“L” non-immigrants are coming to work and their spouses can get EADs.

L1	Intracompany transferees: principals
L2	Intracompany transferees: spouses and children of intracompany transferees

“M” non-immigrants are similar to both “J” and “F” visas but no bond may be demanded.

M1	Students and exchange visitors: vocational students
M2	Students and exchange visitors: spouses and children of vocational students

“N” non-immigrants do not need any Affidavit of Support. These folks have secure incomes and enjoy quasi-diplomatic immunity or other privileges. NATO dependents may also apply for an EAD.

N1 to N7	NATO officials and families
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“O” and “P” non-immigrants usually come in groups. The principal is working and the dependents are either, the principal’s family or support personnel and their families.

O1	Temporary workers and trainees: extraordinary ability or achievement
O2	Temporary workers and trainees: accompanying and assisting in performance of O-1 workers
O3	Temporary workers and trainees: spouses and children of O-1 and O-2 workers
P1	Temporary workers and trainees: internationally recognized athletes or entertainers
P2	Temporary workers and trainees: artists or entertainers in reciprocal exchange programs
P3	Temporary workers and trainees: artists or entertainers in culturally unique programs
P4	Temporary workers and trainees: spouses and children of P-1, P-2, and P-3 workers

“Q” cultural exchange visitors have a sponsoring program that has to qualify first or concurrently and prove that the alien’s compensation and working conditions are satisfactory.

Q1	Temporary workers and trainees: workers in international cultural exchange programs
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The following are workers and their dependent families. The principal’s employer or associates must demonstrate compensation for “Rs” or either direct jobs or professional opportunities for “TNs”.

R1	Temporary workers and trainees: workers in religious occupations
R2	Temporary workers and trainees: spouses and children of R-1 workers
TD	Temporary workers and trainees: spouses and children of NAFTA workers
TN	Temporary workers and trainees: NAFTA professional workers

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Family members of LPRs will eventually be expected to have I-864s filed like K non-immigrants (their IR counterparts sponsored by USCIs). However, they may have to wait a long time for a visa to become available and they are much like any other of the legalization applicants with special considerations on such matters as financial issues.

V1	LIFE Act: spouses of permanent residents, visa pending
V2	LIFE Act: children of permanent residents, visa pending
V3	LIFE Act: dependents of V-1 and V-2, visa pending

“S” non-immigrants or “snitch visas” are for persons who will be cooperative with Law Enforcement Agencies (LEAs) and Prosecutors. The LEAs vouch for and sponsor these witnesses and informants so that they will be available to help with ongoing cases. There is also a dependent category for the spouse, married and unmarried sons and daughters, and parents of an alien witness or informant in criminal or counterterrorism matters. These cooperative witnesses and informants don’t need an I-134 and indeed may get aid and special help if their lives are in danger.

“T” non-immigrants are for trafficking victims and there is also a separate category for certain of their family members. These victims don’t need an I-134 and indeed may get aid.

“U” non-immigrants are for victims of qualifying criminal activity generally means an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity. These victims don’t need an I-134 and indeed may get aid.

The following folks are treated pretty much like ordinary “B” non-immigrants except that they do not have to get an actual physical “visa” in their passports before travelling but still have to jump through some specific hoops before commencing travel. Unlike “Bs” no bond may be demanded.

WB	Temporary visitors: visa waiver, business
WT	Temporary visitors: visa waiver, pleasure

I believe that USCIS’ customers would appreciate more clarity on those few instances when this form (I-134) might be most appropriate and useful.