



Protecting Immigrant  
Women and Girls  
Fleeing Violence

June 4, 2018

U.S. Department of Homeland Security  
Citizenship and Immigration Services  
Office of Policy and Strategy  
Samantha Deshommes, Chief  
Regulatory Coordination Division  
*Submitted VIA Electronic Mail to: [dhsdeskofficer@omb.eop.gov](mailto:dhsdeskofficer@omb.eop.gov)*

**RE: Comments on USCIS Form I-134 Affidavit of Support  
OMB Control Number 1615-0014  
Docket ID USCIS-2006-0072**

Dear Chief Deshommes:

The Tahirih Justice Center is a national policy and direct services organization that has assisted survivors of forced marriage and other gender-based violence for over twenty years. As such, Tahirih has developed significant, unique legal and policy expertise on forced and child marriage as domestic problems in the United States (U.S.) impacting both multi-generational American and immigrant families from dozens of different countries of origin. Through our specialized Forced Marriage Initiative (FMI), we have helped hundreds of survivors and individuals at risk of forced marriages, in cases spanning nearly 40 states and more than 20 foreign countries when U.S. women and girls have been taken abroad for the marriage.

The causes of forced marriage often vary and overlap and it is most often parents and others close to the victim that are the primary perpetrators. While forced marriages can happen at any age, individuals under the age of 18 are especially vulnerable as they often lack the legal rights and access to resources necessary to escape. Women and girls are disproportionately victimized through forced marriage, which often intersects with other forms of gender-based violence including child abuse, intimate partner violence, sexual assault, stalking, and human trafficking.

At present, the U.S. marriage-based immigration process can in some cases unwittingly facilitate forced marriages, involving forced sponsorship of a foreign fiancé(e) or spouse. In our experience, families commonly file visa petitions without the forced sponsor's knowledge or consent. Once a victim learns what her family has done, she may be afraid to take steps to withdraw sponsorship. She may fear retribution, as well as legal consequences to herself or to her family.

In light of our understanding of forced marriage case dynamics, we offer the following suggested changes to the I-134 Form and Instructions in order to promote more effective deterrence of perpetrators as well as education and empowerment for victims. Furthermore, implementing our suggested changes will enable USCIS adjudicators to better leverage immigration laws, policies, and discretionary tools to detect and prevent forced sponsorship in cases of forced marriage and to alert victims of their rights and available resources. Finally, as noted below, our suggested changes largely reflect

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language that has already been approved and used by USCIS in its public education on forced marriage (see <https://www.uscis.gov/humanitarian/forced-marriage>), and therefore will not pose a significant burden for the agency.

We appreciate the opportunity to submit these comments and we look forward to your feedback. For additional information, please contact me at [archip@tahirih.org](mailto:archip@tahirih.org) or 571-282-6153.

Respectfully submitted:

A handwritten signature in black ink, appearing to be 'Archi Pyati', with a stylized flourish at the end.

Archi Pyati  
Chief of Policy

ITEM	CURRENT LANGUAGE	PROPOSED CHANGE	EXPLANATION
<p><b>Form I-134 INSTRUCTIONS</b> p. 1</p> <p>General Instructions Signature</p>	<p><b>Signature.</b> Each Affidavit must be properly signed and filed. For all signatures on this affidavit, 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 affidavit on your behalf. A legal guardian may also sign for a mentally incompetent person.</p>	<p>Delete the bracketed, bolded text below, and add the text in red:</p> <p><i><b>Signature.</b> Each Affidavit must be properly signed and filed. For all signatures on this affidavit, USCIS will not accept a stamped or typewritten name in place of a signature. [DELETE: If you are under 14 years of age, your parent or legal guardian may sign the affidavit on your behalf.] The principal sponsor must be at least 18 years of age to file this form under Section 213 of the INA.</i></p>	<p>As explained in the first part of the instructions: “What Is the Purpose of Form I-134?,” Immigration &amp; Nationality Act (INA) Section 213 permits the filing of form I-134 to allow for admission of foreign nationals who are otherwise inadmissible on public charge grounds. Per INA Section 213, foreign nationals “may be admitted... (subject to the affidavit of support requirement...under section 213(A).” For an affidavit of support, Section 213(A)(f)(1)(B) requires that a sponsor be “at least 18 years of age.” Therefore, a sponsor filing form I-134 per INA Section 213 must be 18 or above. The reference to a sponsor who is “under 14 years of age” is erroneous and should be deleted.</p>
<p><b>Form I-134 INSTRUCTIONS</b> p. 2</p> <p>General Instructions How to Fill Out Form I-134 Item 7, “Part 6”</p>	<p><b>Contact Information, Statement, Declaration, and Signature of the Person Preparing the Affidavit, if Other Than the Sponsor.</b> This section must contain the signature of the person who completed your affidavit, if other than you, the sponsor...</p>	<p>Add the following advisory at the end of the instructions for Part 6:</p> <p><i><b>NOTE:</b> If you are the preparer of this form and are filing it in support of a marriage-based visa petition, note that the United States (U.S.) government is opposed to forced marriage and considers it to be a serious human rights abuse. In some U.S. states, forced marriage is a crime, and in all U.S. states, people who force someone to marry may be charged with violating state laws, including those against domestic violence, child abuse, rape, assault, kidnapping, threats of violence, stalking, or coercion. People who force someone to marry may also face significant</i></p>	<p>Perpetrators of forced marriage may genuinely or opportunistically try to justify it and other family-based violence based on the asserted belief that a marriage is in an individual’s best interests. The impact of forced marriage on the victim is still devastating, however, whatever the intent. This advisory is intended to disabuse perpetrators of any idea that their intent will shield them from accountability.</p> <p>Also, in the majority of forced marriage/forced sponsorship cases we encounter, perpetrators file and sign visa petitions and related forms, such as Affidavits of Support, without the victim ever seeing the forms. While both the instructions and form contain warnings for preparers about fraud generally, explicitly notifying preparers that the</p>

		<i>immigration consequences, such as being inadmissible to or removable from the U.S.</i>	<p>U.S. recognizes forced marriage as a human rights violation that can expose them to both criminal and immigration consequences could serve as a powerful deterrent.</p> <p>Note that the language we are proposing is identical to the language USCIS already uses publicly at:  <a href="https://www.uscis.gov/humanitarian/forced-marriage">https://www.uscis.gov/humanitarian/forced-marriage</a>.</p>
<p><b>Form I-134</b></p> <p><b>INSTRUCTIONS</b></p> <p>p. 5</p> <p>Penalties</p>	<p>If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-134, we will deny your Form I-134 and may deny any other immigration benefit the beneficiary seeks. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.</p>	<p>Add the following advisory at the end of the instructions for the Penalties section:</p> <p><i><b>NOTE: If you have been or are being forced into marriage, you are not at fault and you have not violated any U.S. laws by entering into the marriage. Furthermore, non-governmental legal and social services agencies may be able to offer you, at no or low cost, a range of assistance including safety planning and emergency housing, as well as assistance with family law matters like obtaining a court order of protection from those who are threatening or abusing you, terminating the marriage through annulment or divorce, and securing a court order granting you custody of children. For more information, visit the USCIS webpage on forced marriage at <a href="https://www.uscis.gov/humanitarian/forced-marriage">https://www.uscis.gov/humanitarian/forced-marriage</a> and the U.S. Department of State's webpage on forced marriage at <a href="https://travel.state.gov/content/travel/en">https://travel.state.gov/content/travel/en</a></b></i></p>	<p>Often, forced marriage victims are afraid to come forward and seek help for fear not only of the consequences to their family and others but also to themselves. Victims may fear legal consequences when forced to sign forms and/or attest to information under duress. This language will reassure victims that they are not at fault, particularly if they believe their safety is at risk if they refuse to sign.</p> <p>Victims may also be unaware of resources available to help them. Providing this information will put both perpetrator-preparers, as well as victim-sponsors that do have access to the form, on notice that victims of forced marriage have recourse and resources available to them. This may deter perpetrators, or empower victims with potentially life-saving referrals they may need to flee a violent home.</p> <p>The first sentence in this proposed advisory is taken verbatim from USCIS' website at <a href="https://www.uscis.gov/humanitarian/forced-marriage">https://www.uscis.gov/humanitarian/forced-marriage</a>.</p>

		<a href="/international-travel/emergencies/forced-marriage.html">/international-travel/emergencies/forced-marriage.html</a> .	
<b>FORM I-134</b> p. 5 Part 4 Sponsor's Statement Question #2	At my request, the preparer named in Part 6. prepared this affidavit for me based only upon information I provided or authorized.	<p>Add the following advisory at the end of Question #2:</p> <p><i><b>NOTE: If you have been or are being forced into marriage, you are not at fault and you have not violated any U.S. laws by entering into the marriage. Furthermore, non-governmental legal and social services agencies may be able to offer you, at no or low cost, a range of assistance including safety planning and emergency housing, as well as assistance with family law matters like obtaining a court order of protection from those who are threatening or abusing you, terminating the marriage through annulment or divorce, and securing a court order granting you custody of children. For more information, visit the USCIS webpage on forced marriage at <a href="https://www.uscis.gov/humanitarian/forced-marriage">https://www.uscis.gov/humanitarian/forced-marriage</a> and the U.S. Department of State's webpage on forced marriage at <a href="https://travel.state.gov/content/travel/en/international-travel/emergencies/forced-marriage.html">https://travel.state.gov/content/travel/en/international-travel/emergencies/forced-marriage.html</a>.</b></i></p>	<p>Including this advisory in the form itself, as well as the instructions as previously suggested, will help put both perpetrator-preparers, as well as victim-sponsors that may see the form, on notice that victims of forced marriage have recourse and resources available to them. Please see our explanation immediately above for additional details.</p> <p>Again, the first sentence in this proposed advisory is taken verbatim from USCIS' website at <a href="https://www.uscis.gov/humanitarian/forced-marriage">https://www.uscis.gov/humanitarian/forced-marriage</a>.</p>
<b>FORM I-134</b> p 6. Part 5.	<b>Interpreter's Contact Information, Certification, and Signature</b>	<p>Add a Question #3:</p> <p><i><b>(checkbox) I am a member of the sponsor's family.</b></i></p>	<p>Having served hundreds of victims of forced marriage, Tahirih has noted certain common dynamics which, while not proof-positive, may serve as "red flags" to indicate a forced marriage. This is particularly true when several of these</p>

			<p>dynamics, listed below, are present in the same case:</p> <ul style="list-style-type: none"> <li>• interpreters and/or preparers are related to the sponsor</li> <li>• the sponsor and spouse/fiancé(e) are related</li> <li>• there is a significant age discrepancy between the sponsor and spouse/fiancé(e)</li> <li>• the sponsor and spouse/fiancé(e) haven't met in person</li> <li>• the sponsor is under age 18</li> </ul> <p>USCIS can already discern ages and age discrepancies, as well as familial relationships between the parties from the existing questions on the form. Adding a question to identify when interpreters are related to the sponsor (and preparers; see comment immediately below) will likewise help USCIS determine which cases may warrant special scrutiny such as a private interview without the sponsor's specific interpreter (and/or preparer) present. <sup>i</sup></p> <p>Unfortunately, it is still possible that victims will not seek help during an interview, for fear that the perpetrator will find out and retaliate. However, during a USCIS-initiated private interview, USCIS can confidentially provide victims with life-saving resources.</p> <p>The burden to USCIS in providing such information will be minimal; USCIS already distributes the</p>
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			International Marriage Broker Regulation Act pamphlet, originally intended to advise and arm foreign fiancé(e)s and spouses with critical information about their rights and resources in the U.S. <sup>ii</sup> This information is equally important for U.S. sponsor-victims to understand, since they are often kept in the dark about their rights by their families or by their upbringings which may have kept them more insular than integrated. Also, as noted above, USCIS has also already approved the information on its website regarding forced marriage and can simply provide the link to individuals who trigger the “red flags” above and therefore could be victims.
<b>FORM I-134</b> p. 7  Part 6 Preparer’s Statement	7.a. (checkbox) <i>I am not an attorney or accredited representative but have prepared this affidavit on behalf of the sponsor and with the spouse’s consent.</i>	Add the following to Question# 7.a, with a note that you may check more than one box  <i>I am a member of the sponsor’s family (checkbox).</i>	Please see the explanation immediately above.
<b>FORM I-134</b> p. 7  Part 6 Preparer’s Certification	By my signature, I certify, under penalty of perjury, that I prepared this affidavit at the request of the sponsor...I completed this affidavit based only on information that the sponsor provided to me or authorized me to obtain or use.	Add the following additional certification:  <i>I further certify, under penalty of perjury, that I am aware of the following:</i>  <ul style="list-style-type: none"> <li><i>The United States (U.S.) government considers forced marriage to be a serious human rights abuse. In some U.S. states, forced marriage is a crime, and in all U.S. states, people who force someone to marry may be charged with violating state laws, including those against domestic violence, child abuse, rape, assault,</i></li> </ul>	Including this additional certification in the form itself, in addition to providing this information in the instructions, will help emphasize to perpetrators that it is unlawful to force someone to marry. For additional details, please see the explanation above for our analogous suggested advisory on p. 2 of the form’s instructions.  Again, the language we are proposing is identical to the language USCIS already uses publicly at: <a href="https://www.uscis.gov/humanitarian/forced-marriage">https://www.uscis.gov/humanitarian/forced-marriage</a> .

		<p><i>kidnapping, threats of violence, stalking, or coercion.</i></p> <ul style="list-style-type: none"> <li>• <i>People who force someone to marry may also face significant immigration consequences, such as being inadmissible to or removable from the U.S.</i></li> </ul>	
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<sup>i</sup> When USCIS determines that a private interview is warranted, USCIS could use an interpreter through its language line instead of anyone suggested by the sponsor or her family.

<sup>ii</sup>Tahirih was the principal advocate for the International Marriage Broker Regulation Act (IMBRA), enacted as part of the reauthorized Violence Against Women Act in 2006. IMBRA changed marriage-based immigration laws and processes to better prevent the abuse and exploitation of so-called “mail-order brides.”