EXECUTIVE DIRECTOR
Eric Cohen

San Francisco

Washington, D.C.

San Antonio

Houston

ilrc@ilrc.org
www.ilrc.org

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Department of State
Visa Services: Senior Regulatory Coordinator
600 19th Street NW
Washington, DC 20006

RE: ILRC Comment in Opposition to the Department of State's Proposed Information Collection – OMB No. 1405-XXXX; Docket No. DOS-2026-0960, Proposed Information Collection: Form DS-864E, Request for Exemption from Immigrant Visa Applicant's Affidavit of Support

Dear Senior Regulatory Coordinator,

The Immigrant Legal Resource Center (ILRC) submits this comment in strong opposition to the Department of State ("DS") Proposed Information Collection proposing the new Form DS-864E, Request for Exemption from Immigrant Visa Applicant's Affidavit of Support published on September 18, 2026. The ILRC opposes the new DS-864E form, as it presents serious privacy concerns.

The ILRC is a national non-profit organization that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The ILRC's mission is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. Since its inception in 1979, the ILRC has provided technical assistance on hundreds of thousands of immigration law issues, trained thousands of advocates and pro bono attorneys annually on immigration law and emerging issues, distributed thousands of practitioner guides, provided expertise to immigrant-led advocacy efforts across the country, and supported hundreds of immigration legal non-profit organizations in building their capacity to support immigrants and their families.

The ILRC is also a leader in interpreting family-based immigration law and immigration relief for immigrants, producing trusted legal resources including webinars, trainings, and manuals such as Families & Immigration: A Practical Guide. Through our extensive network with service providers, immigration practitioners, and immigration benefits applicants, we have developed a

profound understanding of the barriers faced by vulnerable immigrant and low-income communities of color. It is through this lens that we provide comment on the new proposed Form DS-864E.

The DS-864E release language presents serious privacy concerns. The two release clauses found in the DS-864E providing that applicants "authorize release of any information from any and all of my records" and "authorize release of information contained in this request, in supporting documents, and in my DOS records, to other entities and persons" go beyond what is necessary for the proper functioning of the Department of State. Such requirements could result in inappropriate and potentially illegal instances of invasion of privacy and confidentiality, with regard to all applicants, but particularly with regard to survivors domestic violence, sexual assault, human trafficking or other crimes (e.g. U visa, T visa, Violence Against Women Act (VAWA) applicants and others). Survivors, in these situations, have heightened statutory privacy protections pursuant to 8 USC § 1367 including confidentiality and protection from the release and distribution of the information and documentation related to their immigration applications.

Any authorization of release of private records, documentation and information must be limited in scope and reviewed by the Department of State–it should not be released to unidentified "other entities and persons." In addition, the information, records and documents required to be released by the applicant to DOS should only include those documents, records and information submitted by applicants to DOS directly and for the limited purpose of adjudicating eligibility for the particular benefit requested. Finally, the required authorization of release of information and records by the Social Security Administration (SSA), should be limited to information directly related to the application. With regard to the DS-864E, the information collection should be limited to documentation of 40 qualifying quarters of work credit.

For all of these reasons, DHS should withdraw the proposed DS-864E Form.

Respectfully submitted,

The Immigrant Legal Resource Center