How to Complete Form I-912, Request for Fee Waiver Form for CIS Applications and Petitions, including Naturalization Applications

I. Introduction

In November 2010, USCIS introduced a standardized form, Form I-912, for requesting fee waivers for various immigration forms and petitions, including naturalization. The most recent version of the form was updated last year (05/10/13), but previous versions of the form are accepted. Applicants may still submit applicant-generated fee waiver requests (i.e., requests that are not submitted on Form I-912) that comply with 8 CFR § 103.7(c). Those who wish to receive a waiver of fees must demonstrate that they are unable to pay the required fee. The Form I-912 instructions provide applicants with guidance on properly filling out and completing the Form. This ILRC Guide is meant to supplement the form instructions and walk you through each step of the form. We have attached a blank form for you to use, as well as a sample completed form and sample supporting documentation.

II. <u>Instructions</u>

- 1. Section 1. Information About You:
 - ✓ Line 1.a. Family Name (Last Name):
 - o Write your full last name.
 - ✓ Line 1.b. Given Name (First Name):
 - o Write your full first name.
 - ✓ Line 1.c. Middle Initial:
 - o If applicable, write your middle initial.
 - ✓ Line 2. Alien Registration Number (A-Number):

 If you have an A-Number (e.g., A 11222333), write the numbers down only (e.g., 11222333). If you do not have one, write "Not Applicable" or "N/A."
 - ✓ Line 3. Date of Birth:
 - Write the date in mm/dd/yyyy format, e.g., for January 2, 1980, write "01/02/1980."
 - ✓ Line 4. Marital Status:
 - o Check the box \square that applies to you.
 - ✓ Line 5. Applications and Petitions:
 - o Write down the form number(s) of the application(s) and/or petition(s) that you are requesting a fee waiver for. For example, if you are applying for naturalization, write down "N-400."

- o If you are filing more than one application or petition, you may file **one** I-912 covering all applications and petitions.
- O Some form instructions include both a filing fee and a biometric fee. You do not have to file a separate I-912 for the filing fee and biometric services fee. If your Form I-912 is approved then both fees will be waived.

2. Section 2. Additional Information for Dependent(s)

- ✓ Line 6. Complete the Table below if applicable:
 - O You may file one Form I-912 for all family members applying for immigration benefits. Family members include spouses, children, and wards. Each applicant listed in Section 2 must sign the Form I-912 in Section 7, explained below.
 - o If additional family members are applying for immigration benefits, write down their information in Section 2, following the same format as Section 1.

3. Section 3. Basis for the Request:

USCIS determines if you qualify for a fee waiver based on one or more of the following reasons listed in Section 3. Check any of the boxes \square that apply.

- ✓ Line 7.a. I am receiving a means-tested benefit.
 - o If you check this box \square , then complete **Sections 4 and 7**.
 - o A means-tested benefit is a benefit where an individual's eligibility for or amount of the benefit is established based on the individual's income and resources. Means-tested benefits may be federally or state funded. Examples of means-tested benefit programs include: Medicaid, Supplemental Nutrition Assistance Program (SNAP benefits), Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI). Other federal public benefits that are funded under the benefit-granting agency's discretionary spending programs may be considered in determining your eligibility for a fee waiver. You should consult with your benefit-granting agency to establish whether the benefit you are receiving counts as one for which your eligibility for that benefit is decided based on your means. In addition to federally funded benefits, states may also provide state-funded public benefits whereby an individual's eligibility for or amount of the benefit is based on the individual's income and resources. Such state benefits may count towards a "means-tested benefit" for purposes of the fee waiver request.
 - O You must provide evidence of receiving a means-tested benefit in the form of a letter, notice, or other official document(s) listing the granting agency's name, the recipient's name, and the name of the

- benefit. If you provide this proof of a means-tested benefit, then you will generally be granted a fee waiver, and no other information will be necessary.
- o If you have listed additional applicants in **Section 2** and you are receiving a means-tested benefit, (1) your spouse will normally qualify for a fee waiver and (2) your unmarried children under 21 years of age living with you will normally qualify for a fee waiver. However, if a child or grandchild is receiving a means-tested benefit, family members will not necessarily qualify for a fee waiver. In other words, if you are not receiving a means-tested benefit but your son or daughter is, it does not guarantee that you qualify for a fee waiver based on a means-tested benefit. Also, if an elderly parent who lives with his or her adult child receives SSI, the adult child cannot use the parent's SSI as proof of eligibility for a fee waiver. In other words, if your parent receives SSI but you do not receive other means-tested benefits, you cannot use your parent's SSI as proof of a means-tested benefit for purposes of a fee waiver.
- ✓ Line 7.b. My household income is at or below 150% of the Federal Poverty Guidelines.
 - o If you check this box \square , then complete **Sections 5 and 7**.
 - You may demonstrate that your household income for the most recent tax year is at or below 150% of the most recent poverty guidelines, which are published by the Secretary of Health and Human Services and are available at http://www.uscis.gov/sites/default/files/files/form/i-912p.pdf.
 - For fee waiver purposes, a **household** can include an applicant, spouse, parent(s) living with the applicant, and any of the following individuals:
 - . An unmarried child or legal ward under 21 years of age living with the applicant;
 - . An unmarried child or legal ward over 21 years of age but under 24 years of age who is a full-time student and living with the applicant when not attending school; or
 - . An unmarried child or legal ward for whom the applicant is the legal guardian because the individual is physically or mentally disabled to the point that he or she cannot adequately care of him/herself and cannot establish, maintain, or re-establish his or her own household.
 - If a federal tax return is available and it lists members of your household, you may submit the form as documentation that your household income is at or below 150% of the Federal Poverty Guidelines.

- . If you live with a person who is not claimed as a member of your household for tax purposes, then that person's income will not be considered when determining your household income.
- . If you live with someone and you are not a member of that person's household for tax purposes, then that person's income will not be considered when determining your household income.
- o If you are **legally separated from your spouse**, you do not need to list your spouse as a family member, but be sure to include in your household income any support that your spouse provides to your household. However, if you are applying for immigration benefits under provisions of the VAWA Act or applying for T or U visas under the Victims of Violence and Trafficking Protection Reauthorization Act, you should not provide your spouse's income.
- O You may submit the following documentation as evidence to show that your household income falls at or below 150% of the Federal Poverty Guidelines at the time of filing:
 - . Evidence of current employment or self-employment such as recent pay statements, W-2 forms, statement(s) from the individual's employer(s) on business stationery showing salary or wages paid, or income tax returns (proof of filing of a tax return).
 - . Documentation establishing other financial support or subsidies such as parental support, alimony, child support, scholarships and fellowships, pensions, Social Security, veteran's benefits, etc. Financial support may include money to pay monthly expenses received from adult children, dependents, and other people who are living in the individual's household, etc.
 - . If available, the individual's Federal tax return(s), listing the members of the household.
 - . If you are filing on behalf of, or as a **Special Immigrant Juvenile** (SIJ), the fee waiver request should be supported by one of the following forms of evidence:
 - A recent state or juvenile court order establishing dependency or custodial assignment of the SIJ; or
 - A letter from a foster care home or similar agency overseeing the SIJ's custodial placement that explains the SIJ's inability to pay; or
 - An approval notice on a Form I-797, Notice of Action, for a Form I-360, filed for the SIJ.
- If you provide sufficient evidence that your household income is at or below 150% of the Federal Poverty Guidelines at the time of filing, the fee waiver will normally be approved, and no further information will be required.

- ✓ Line 7.c. I have a financial hardship.
 - o If you check this box \square , then complete **Sections 5, 6, and 7**.
 - o If you do not receive a means-tested benefit or your income does not fall at or below 150% of the Federal Poverty Guidelines, you may still qualify for a fee waiver if you demonstrate that you have a financial hardship due to extraordinary expenses or other circumstances affecting your financial situation to the point that you are unable to pay the fee.
 - o Examples include:
 - . Unexpected and uninsured (or underinsured) medical bills;
 - . Emergency situations that could not ordinarily be predicted;
 - . Medical emergency or debilitating illness affecting you or your dependents;
 - . If you are under financial hardship, you should demonstrate that you have endured a negative financial impact due to this hardship in a reasonably recent period before filing the feewaiver request so as to render your income during that period inadequate to pay the fee.
 - o To document your financial hardship, you may submit the following documentation:
 - . Information concerning all assets owned, possessed, or controlled by you and your dependents. Assets include real estate, property, cash, checking and savings accounts, stocks, bonds, and annuities [except for pension plans and Individual Retirement Accounts (IRAs)]. You must provide evidence of the type and value of your assets.
 - . Information concerning liabilities and expenses owed by you and your dependents, and any other expenses for which you are responsible. Liabilities and expenses include the cost of rent, mortgages, lease, the average monthly cost of food, utilities, child care and elder care, medical expenses, any tuition costs, commuting costs, and monthly payments of any lawful debts. You should provide documents such as copies of bills and/or payments.
 - o If you are unable to provide documentation of income and liabilities, you should provide a description of your financial hardship and why you are unable to provide evidence of your income.
 - Affidavits from churches and other community-based organizations showing that you are currently receiving some benefit from that entity can be used as proof of income.
 - . In reviewing all documentation and information submitted, consider whether you possess cash or assets aside from income which could be liquidated without harming you financially. For example, you may own stocks or other assets that could be easily liquidated.

4. Section 4. Means-Tested Benefit:

- ✓ Line 8. Complete the Table Below:
 - o Fill in the name of the person receiving the benefit, the name of the agency awarding the benefit, the date the benefit was awarded, and whether the recipient is currently receiving the benefit.
 - o If you are receiving a means-tested benefit and provide sufficient evidence, then you may go directly to **Section 7**.

5. Section 5. Household Income:

- ✓ Line 9. Other than you, how many others in your household depend on the stated income?
 - Enter the number of people in your household who depend on the income you've indicated.
- ✓ Line 10. Average monthly wage income from household members:
 - o Take your household wage income for the previous 12-month period and divide the total by 12, and enter that amount as your household's average monthly wage income.
 - o If you live with a person who is not claimed as a member of your household for tax purposes, then that person's income will not be considered when determining your household income. If you live with someone and you are not a member of that person's household for tax purposes, then that person's income will not be considered when determining your household income.
- ✓ Line 11. Other money received each month:
 - Enter other money received each month that is not included in Line 14.
 This could include spousal support, child support, unemployment compensation, etc.
- ✓ Total:
 - o USCIS will compare the Total to the Federal Poverty Guidelines.

6. Section 6. Financial Hardship:

- ✓ Line 12. Describe your particular situation:
 - o In the space provided, describe your financial hardship, and be sure to include how this situation has caused you to incur costs (and what the costs were) or loss of income that you have experienced (and what that loss was). This section should be completed in English. If written in a different language, be sure to include an English translation. If you need more space, attach a separate sheet of paper. At the top of each additional sheet of paper, write your name and Alien Registration Number (A-Number) if you have one, and indicate the section and item number that the answer refers to, and date and sign each sheet.

- ✓ Line 13. Date that you became unemployed:
 - o If you are currently unemployed, list the date you became unemployed.
- ✓ Line 14. Amount of unemployment compensation:
 - o If you are currently unemployed, write down the monthly amount of unemployment compensation that you are receiving.
- ✓ Line 15. List your assets and the value of your assets:
 - o Enter the type(s) of asset(s) you have, the dollar value of those asset(s), and the total dollar value of your asset(s). If you need additional space, attach a separate sheet of paper. At the top of each additional sheet of paper, write your name and Alien Registration Number (A-Number) if you have one, and indicate the section and item number that the answer refers to, and date and sign each sheet.
 - Assets can include: real estate, property, cash, checking and savings accounts, stocks, bonds, and annuities [except for pension plans and Individual Retirement Accounts (IRAs)].
- ✓ Line 16: List your average monthly cost, provide evidence of monthly payments where possible:
 - O In the space provided, enter your average monthly costs for the categories provided, if applicable. If you need additional space, attach a separate sheet of paper. At the top of each additional sheet of paper, write your name and Alien Registration Number (A-Number) if you have one, and indicate the section and item number that the answer refers to, and date and sign each sheet.

7. Section 7. Your Signature and Authorization:

- ✓ Line 17. Your Signature:
 - O Do not sign the form until you are done and ready to file.
 - O After you read the release, sign and date Form I-912. By doing so, you take full responsibility for the accuracy of all the information provided, including all supporting documentation. You also authorize the release of any information, including the release of your Federal tax return so that USCIS may determine your eligibility for a fee waiver.
 - o Anyone else applying for a fee waiver must also sign and date the form, next to "Additional Signature."
 - . If you are at least 14 years of age or older, you must sign and date the form.
 - . If you are under 14 years of age, your parent or legal guardian may sign and date the form for you.
 - . Your legal guardian may also sign and date the form for you if you are unable to sign because you are not mentally competent to manage your own affairs, no matter how old you are.

III. Filing Your Request

After you fill out and sign the Form I-912, attach the form and all supporting documentation (*e.g.*, income tax return, monthly bills) to the application(s) or petition(s) that you are submitting (*e.g.*, N-400). If you are requesting a fee waiver, you cannot use USCIS' e-filing system. Instead, you should mail your paper application(s)/petition(s), Form I-912, and all supporting documents to the USCIS office according to the "Where to File" directions specified on the application/petition form instructions (*e.g.*, if you are filing Form N-400 and reside in California, you would mail the N-400, I-912, and supporting documents to: USCIS Phoenix Lockbox, P.O. Box 21251, Phoenix, AZ 85036). A Form I-912 may not be submitted after USCIS has received the underlying petition or application, so make sure to mail the fee waiver request with your underlying application or petition.

If USCIS approves your fee waiver request, you will be notified that your application/petition has been receipted and the filing amount is \$0. If your fee waiver request is denied, you will receive your complete package back with a notice rejecting your application or petition and an explanation as to why the fee waiver request was denied. You may either resubmit your application or petition and fee waiver request with any additional required documentation or pay the necessary fee for the application or petition. If after checking the denial notice you are still not clear as to why USCIS denied your fee-waiver request, you may inquire via email at lockboxsupport@uscis.dhs.gov.

Note: If USCIS denies your fee waiver request, pay close attention to the information on resubmitting your application or petition that will be in the USCIS notice denying your fee waiver request. For certain immigration benefits, you may have only a limited period of time in which to resubmit your application or petition with the proper fee.



Tips for Filing Form I-912, Request for Fee Waiver

When filing Form I-912, Request for Fee Waiver, it is important to fill out the application completely and provide all required information with your initial filing. Please read and follow the filing tips to ensure proper processing.

Complete the Form Fully and Accurately

- Use the most current version of Form I-912, if possible. We will also accept a written request.
- Carefully and completely read the Form I-912 instructions.
- Be aware that, in Form I-912, under section 3, Basis for Your Request, you can check more than one box. In this section, please check all boxes that apply to your situation. If possible, provide evidence to verify each box checked.
- File your Form I-912 with the form for which you are requesting a fee waiver. Please file a paper application.

Documenting Means-Tested Benefits

- A means-tested benefit is one for which your income/resources determine eligibility and/or the benefit amount.
- Please reference page 2, step 1, sub-step 1b of the <u>Form I-912 instructions</u> for examples of what is considered a means-tested benefit. If you don't see the benefit you are receiving there, please contact the agency that is granting your benefit for more information and ask what criteria they used in granting the benefit.
- Please note that Medicare, Social Security Retirement (SSA) and Social Security
 Disability Insurance (SSDI) are not considered means-tested benefits. However,
 Supplemental Social Security Income (SSI) is considered a means-tested benefit.
- If you're receiving a means-tested benefit that is not well known outside of your area, please provide as much information as you can about of the benefit. This may include a brochure, contact information or the website of the agency granting the benefit. Also include information about the benefit on page 3, section 6, line 12 of Form I-912. This information should include the name of the benefit you are receiving, why you are receiving it, and any other details that would be helpful to USCIS in the review process.
- In general, USCIS classifies a benefit granted based on income criteria as a means-tested benefit.

• You will not qualify for a fee waiver based on your child's receipt of a means-tested benefit. You must also be receiving the benefit. However, you may still qualify for a fee waiver based on your household income or a financial hardship. Please reference steps 2 and 3 of the I-912 instructions.

Income Below 150% of the Federal Poverty Guidelines

- You may qualify for a fee waiver if your household income is at or below 150 percent of the poverty level at the time you file. Check the current poverty levels for this year at Form I-912P, HHS Poverty Guidelines for Fee Waiver Requests.
- "Head of household" is a filing status option when filing an IRS Form 1040. More information about head of household can be found at http://www.irs.gov/publications/p501.
- If you are requesting a fee waiver based on a household income below 150 percent of the Federal Poverty Guidelines and your spouse lives overseas, your spouse's name and income should be included in the total household income. If your spouse living overseas is not employed and is supported by you, write a statement on page 3, section 6, line 12 of your Form I-912. This statement should indicate that your spouse is not employed, and explain why.
- We will consider homelessness when reviewing a fee-waiver request. Please include a currently dated letter from the homeless shelter where you are residing. The letter should have a letterhead from the shelter, a statement that you receive services from the shelter, and a signature of a shelter employee attesting to your situation. If you are homeless but do not reside in a shelter, please include an affidavit from a member of good standing in your community attesting to your situation.

Documenting Financial Hardship

- You should include a description of the reasons surrounding your financial hardship on page 3, section 6, line 12 of your Form I-912. Be as specific as possible, and include statements from other people verifying your situation, if possible.
- If you cannot provide evidence of financial hardship, your description should include why. It is always advisable to include an affidavit from a member of good standing in your community attesting to your situation. Please reference page 5, step 3, sub-step 2 of the Form I-912 instructions for more information.
- If you lost all forms of evidence in a natural disaster, fire, robbery, or other means, please state this in your description. Please provide a copy of a police report, if available, to support claims of fire, robbery, etc.

Marital Status

• Legal separation is a marital status, and is formalized through a court order. If you are requesting a fee waiver based on income below 150 percent of the Federal Poverty Guidelines and are citing legal separation for not including evidence of your spouse's

- income, please provide a copy of the court order that formalized your legal separation. Please see the Form I-912 instructions for more information.
- If you are separated from your spouse, but not legally separated, your spouse's income should be included under household income.
- If your spouse is not working, or if you do not know the location of your spouse, note this on page 3, section 6, line 12 of your Form I-912.
- If you need more information about legal separation, please consult with an attorney.

Common Reasons for Fee-Waiver Denials

- The form for which you are making the request is not eligible for a fee waiver. (Please see page 1 of the Form I-912 instructions for a list of forms eligible for a fee waiver.)
- You did not sign your Form I-912. (Please see page 7, section 7 of the Form I-912 instructions for signature requirements.)
- You did not provide evidence that you are currently receiving a means-tested benefit. (Please see page 2, step 1 of the Form I-912 instructions for more information about means-tested benefits.)
- You did not provide evidence that your household income is below 150 percent of the Federal Poverty Guidelines. (See <u>I-912P</u>, <u>HHS Poverty Guidelines for Fee Waiver Request</u>. See page 3, step 2 of the Form I-912 instructions for more information about household income.)
- You did not provide evidence that you are currently experiencing a financial hardship. (Please see page 5, step 3 of the Form I-912 instructions for more information about financial hardship circumstances.)
- You submitted evidence in support of your fee-waiver request that is not in English, and did not supply a certified English translation. (Please see page 6, general instructions of the Form I-912 instructions for more information about translations.)
- If your fee waiver was denied and you're not sure why, please read the denial notice (Form I-797, Notice of Action). If after checking the denial notice you are still not clear as to why USCIS denied your fee-waiver request, you may inquire via email at lockboxsupport@uscis.dhs.gov.

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