

1 134 Form Instructions

1-134 Form Instructions: A Comprehensive Guide

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Publisher: LexisNexis, a leading global provider of legal information and analytics.

Editor: David Miller, J.D., LL.M., Experienced legal editor specializing in immigration law with over 10 years of experience at LexisNexis.

Keyword: 1-134 form instructions

Understanding the I-134 Form: Affidavit of Support Under Section 213A of the INA

The I-134, Affidavit of Support Under Section 213A of the INA, is a crucial document for many individuals seeking to immigrate to the United States. This form is used to demonstrate that a U.S. citizen or lawful permanent resident (sponsor) has the financial means to support their relative (beneficiary) who is applying for an immigrant visa or adjusting status. Understanding the nuances of 1-134 form instructions is critical for a successful application. This comprehensive guide will walk you through the process, providing insights and clarifying common questions surrounding this complex form.

Section-by-Section Breakdown of 1-134 Form Instructions

The 1-134 form instructions are quite detailed. Let's examine each section to better understand the requirements and expectations.

Part 1: Information About the Sponsor

This section requests detailed personal information about the sponsor, including their name, address, contact information, date of birth, citizenship status, and Social Security number. Accuracy is paramount; any discrepancy can lead to delays or rejection. The 1-134 form instructions clearly outline the acceptable documentation to prove your identity and citizenship/lawful permanent resident status.

Part 2: Information About the Beneficiary

Similar to Part 1, this section gathers personal information about the beneficiary, including their name, address, date of birth, and relationship to the sponsor. Providing accurate and complete information as per the 1-134 form instructions is crucial.

Part 3: Affidavit of Support

This is the core of the form. Here, the sponsor formally agrees to financially support the beneficiary to prevent them from becoming a public charge. The 1-134 form instructions explicitly define what constitutes public charge and the sponsor's responsibilities.

Part 4: Sponsor's Income and Assets

This section requires detailed financial information from the sponsor, including income from employment, investments, and other sources. The 1-134 form instructions specify the acceptable types of documentation to prove income and assets. Failure to meet the minimum income requirements outlined in the 1-134 form instructions can lead to rejection. This section often requires careful preparation and potentially consulting with a tax professional to ensure accurate reporting.

Part 5: Joint Sponsor Information (If Applicable)

If the primary sponsor doesn't meet the income requirements alone, a joint sponsor can be added. This section outlines the requirements for the joint sponsor, mirroring many aspects of Part 4. The 1-134 form instructions clearly specify the conditions for a joint sponsor's inclusion.

Part 6: Certification and Signature

This final section requires the sponsor's signature, certifying the accuracy of the information provided. This is a legally binding agreement, and providing false information carries serious consequences.

Common Mistakes and How to Avoid Them When Following 1-134 Form Instructions

Many applicants make mistakes when completing the I-134 form. Some common errors include:

Inaccurate or Incomplete Information: Carefully review the 1-134 form instructions and ensure all information is accurate and complete. Any discrepancies can lead to delays or rejection.

Insufficient Documentation: Gather all necessary documentation before starting the application to

avoid delays. The 1-134 form instructions clearly outline required supporting documentation.

Failure to Meet Income Requirements: Ensure you meet the minimum income requirements as outlined in the 1-134 form instructions. Consider using a joint sponsor if necessary.

Ignoring Instructions: Carefully follow all 1-134 form instructions to avoid errors.

Improper Filing: Ensure the form is properly completed and filed with all necessary supporting documentation.

Navigating the Complexity: Seeking Professional Assistance with 1-134 Form Instructions

The 1-134 form instructions are complex. Seeking professional legal assistance can significantly increase your chances of success. An experienced immigration attorney can help you understand the requirements, gather necessary documentation, and ensure your application is complete and accurate.

Conclusion

The I-134 form is a critical component of many immigration applications. Understanding the 1-134 form instructions thoroughly is essential for a successful outcome. By carefully reviewing each section, gathering the necessary documentation, and potentially seeking professional help, you can significantly increase your chances of approval. Remember, accuracy and completeness are paramount when adhering to the 1-134 form instructions.

FAQs

1. What happens if my I-134 is rejected? Rejection usually means you need to correct the errors identified and resubmit the form, sometimes with additional supporting documentation.
2. Can I use a joint sponsor even if I meet the income requirements alone? Yes, you can, but it's not mandatory.
3. What if my income fluctuates? You should provide documentation reflecting your average income over a period of time.
4. How long does it take for USCIS to process the I-134? Processing times vary, and it's best to check the USCIS website for current estimates.
5. What types of assets are considered when assessing financial support? Bank accounts, stocks, bonds, real estate, and other assets can be considered.
6. Can I sponsor multiple beneficiaries simultaneously? It depends on the type of relationship and your overall financial situation.

7. What happens if the beneficiary becomes a public charge after the I-134 is approved? The sponsor may be held responsible for the beneficiary's financial support.
8. Where can I find the most up-to-date I-134 form instructions? Always refer to the official USCIS website.
9. Is there a fee associated with filing the I-134? Yes, there is a filing fee, which is subject to change; check the USCIS website for the current fee amount.

Related Articles

1. "Understanding Public Charge: Implications for the I-134 Affidavit of Support": This article explores the concept of public charge in greater detail, clarifying its significance in the I-134 context.
2. "Common Mistakes When Filling Out the I-134 Form and How to Avoid Them": A detailed guide outlining common errors made when filling out the form and steps to prevent them.
3. "Joint Sponsorships: A Comprehensive Guide for the I-134 Form": This article provides in-depth information regarding using joint sponsors to meet the financial requirements.
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Immigration Practice guides readers through all aspects of immigration law in one volume, complete with over 3,000 footnote citations to the wide range of statutes, regulations, court and administrative cases, policy memos, operations instructions, agency interpretive letters, and internet sites that a lawyer needs for complete understanding of a particular problem. No other source merges the practical with commentary and analysis so helpfully. The book explains in understandable language and meaningful and dependable detail the substantive issues and the practical procedures a lawyer needs to handle a specific immigration matter, complete with checklists of forms, supporting evidence, and other strategies needed for application/petition packages. The book has unparalleled coherence, integration and consistency. * Liberally cross references to other sections in the book where related topics are discussed (because so many topics are interrelated). * Line-by-line instructions on how to complete the most commonly used forms to avoid embarrassing mistakes. * Lists the contents of packages to file with government agencies: forms and fees, detailed support letters, and other supporting evidence. * Explanations of potentially applicable visa options organized according to the attributes of the foreign national (and the employer), rather than classifications in alphabetical order, so that practitioners can make sense of options in light of the client in the office. * Comparisons and charts of attributes and procedures of such topics as nonimmigrant visa classifications, procedures to permanent residence, and standards of extreme hardship. * Citations throughout the book, and collection in the extensive CD-ROM Appendix, to primary source materials and the most useful Internet site URLs with explanation of the increasingly helpful free databases and tools available through each one. • Internet Links: Constantly increased and updated links to government web sites containing current contact information, forms, primary law sources of all types, case status information, and processing and substantive guides--all referenced by pinpoint citations in the text. See Chapter 5 explaining sources of law, Appendix C and D-1 showing web links, and the CD-ROM in the back cover providing one-click access! Readers are strongly encouraged to review and use the CD-ROM and to consider saving Appendix C, D-1, and E-1 into their hard drives or saving the links to their internet browser favorites or bookmarks for ready reference all the time. • Upgraded removal-related treatment: significant improvements to Chapters 10, 11, and 16 by attorney who has worked for immigration courts several years. • Supreme Court decisions: effects of limited marijuana distribution offense as aggravated felony (§ 10-6(b)(1)(vi)); tax offenses as aggravated felonies (§ 10-6(b)(1)(vi)); rejection of

comparable grounds rule for 212(c) eligibility (§ 10-6(b)(1)(vii)); modified categorical approach applies only to divisible statutes (§ 10-6(b)(2)(i)); non-retroactivity of Padilla decision (§ 10-6(b)(2)(vi)); rejection of the statutory counterpart rule for § 212(c) waivers (§ 11-5(f)); invalidation of the Defense of Marriage Act § 14-7(a)(2)(i)); non-imputation to child of firm resettlement of parents (§ 16-4(c)). • Lower federal court decisions: concerning such issues as: recognizing a beneficiary to have standing to challenge a USCIS petition denial (§ 2-2(a)(1)(I)); reviewability of good moral character determinations and other (§ 2-2(a)(1)(I)); court order of USCIS to speed up FOIA certain responses (§ 4-2); CBP FOIA process (§ 4-2); DOL case disclosure data (§ 4-5); need to exhaust remedies under DHS TRIP to challenge inclusion on watch list (§ 10-3); CIMT crime determinations (§ 10-6(b)(1)(iii)); effect of a single firearm sale (§ 10-6(b)(1)(vi)); 212(h) waiver eligibility in regard to post-entry adjustment but not as to stand alone request (§ 10-6(b)(3)); 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approval of administrative closure of removal cases (§ 11-5(d)); termination of asylum, then removal and relief in proceedings (§16-2(b)); relocation issues in asylum claims (§ 16-4(a)(3)). • Regulations, government policy memorandums, other decisions, and government web site enhancements concerning such matters as: differing government renderings of single name for certain persons (§ 1-6(a)(3)); USCIS refusal to accept stamped signatures for attorneys on G-28 (§1-6(a)(3)); USCIS use of bar codes for forms, and danger of making marginal notes on forms (§1-6(a)(3)); USCIS use of customer-completed e-Request Service inquiries (§ 2-2(a)(1)(F)); movement of all visa processing to the electronic CEAC system (§ 2-3(a)); replacement of the CBP Inspectors Field Manual with the Officer's Reference Tool and the beginning effort to replace the USCIS Adjudicators Field Manual with the online Policy Manual (§ 5-4); replacement of the paper I-94 card for air and sea entries with an automated online I-94 record (§ 7-4(b) and other sections); 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allowing post-removal challenges (§11-8(b)); new USCIS Policy Manual provisions on naturalization eligibility and process, including residence, selective service, § 319(b) special rules, and other issues, and new N-400 form and instructions (Chapter 12); Government-side implementation of the Supreme Court's recognition of same-sex marriage (various chapters); exceptional circumstances allowing foreign-country filing of I-130 petitions where no USCIS office is located (§ 14-5(a)); implications of a withdrawn I-140 (§ 15-1(h)); various policy developments concerning EB-5 investors (§ 15-2(f)); numerous BALCA cases and DOL positions affecting the PERM labor certification process and the publication of data about applications (§ 15-3); updated Affirmative Asylum Procedures Manual (§ 16-3(a)); USCIS memo on exceptional circumstances for failure to appear at asylum interview (§ 16-3(a)(1)(iii)); litigation settlement agreements to share asylum officer interview notes in FOIA (§ 16-3(a)(2)), concerning asylum applicant work authorization process and Clock (§ 16-3(c)), and failure to appear at I-730 interview (§ 16-3(f)); bundling of related L-1 petitions (§ 17-3(b)(4)(i)); presumed L-1 visa validity for maximum reciprocity duration but sometimes more limited stays from CBP (§ 17-3(b)(7)); filing I-129 petition for Canadian TN, and duration of Mexican TN separate from visa validity (§ 17-4(c)(2)(ii)); H-1B and H-2A flip-flopping administrative and congressional positions (§ 17-4(d) and 17-5(e)(1)); B-1 in lieu of H in effect but under review (§ 18-3(1)(2)(B)); accreditation requirements for F-1 language training programs (§ 18-4(d)(1)); cessation of CBP stamping of I-20 forms (§ 18-4(d)(3)); use of electronic ELIS system for certain changes of status (§ 18-4(d)(4)); new cap gap and STEM OPT extension policies (§ 18-4(d)(9)(iii)); possible need for separate waivers for different J experiences subject to § 212(e) (§ 18-5(b)(2)(ix)); revisions to M-274 Handbook for Employers for I-9, USCIS I-9 Central web site, and IRS tightening of ITIN application process (§ 19-4(b)); ICE policies about auditing electronically generated I-9 forms (§ 19-4(h)); OCAHO reductions of ICE I-9 fines on employers (§ 19-4(j)); ICE definition of technical and procedural errors subject to correction under good faith rules (§ 19-4(j)); USCIS revision of E-Verify MOU and new notice to workers about TNC resolution, expansion of E-Verify photo tool, and lock out of suspect SSNs from E-Verify (§ 19-4(l)(1)).

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