



Instructions for Form I-817
Application for Family Unity Benefits
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-817
OMB No. 1615-0005
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What Is the Purpose of **Form I-817**?

Form I-817, **Application for Family Unity Benefits**, is used to request initial benefits under the Family Unity Program or to request an extension of such benefits.

When Should I **File** Form I-817

1. To request an initial or an extension of authorization to remain in the United States under the Family Unity Program and to request an initial or an extension of Form I-766, Employment Authorization Document (EAD); **or**
2. If you are applying for Family Unity Program benefits under section 301 of the Immigration Act of 1990 (IMMACT 90), or if you are applying under section 1504 of the Legal Immigration Family Equity Act (LIFE Act Amendments).
 - A. If you are granted Family Unity benefits under IMMACT 90, you are authorized to remain in the United States for **two** years, and you will receive an EAD valid for the same period.
 - B. If you are granted Family Unity benefits under the LIFE Act, you are authorized to remain in the United States for **two** years (only **one** year if your spouse or parent has a pending application for adjustment to lawful permanent resident status). You will receive an EAD valid for the same period.

NOTE: If you previously qualified for LIFE Act Family Unity as a child, you may be eligible for IMMACT 90 Family Unity.

- C. If you are granted Family Unity benefits under either IMMACT 90 or the LIFE Act and you intend to travel outside the United States temporarily, you must apply for advance parole authorization by completing Form I-131, Application for Travel Document. Advance parole allows you to seek parole into the United States when you return.
- D. For purposes of this application, a legalized alien is someone who obtained temporary or permanent residence in the United States through Legalization or the Special Agricultural Worker Program under section 210 or 245A of the Immigration and Nationality Act (INA), or under section 1104 of Public Law 106-553 (the LIFE Act). For the purposes of this **application**, a legalized alien is also someone who obtained permanent residence through a Cuban/Haitian Adjustment under section 202 of the Immigration Reform and Control Act of 1986.

General Instructions

Preparation: Each application must be completed and filed in accordance with the form instructions. USCIS provides forms free of charge through the USCIS Website.. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at **1-800-375-5283** and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Signature. Each application must be properly signed and filed. For all signatures on this application, 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 application on your behalf. A legal guardian may also sign for a mentally incompetent person.

NOTE: You must fill out a separate Form I-817 for each person who needs to apply for Family Unity benefits.

Filing Fee. Each application must be accompanied by the appropriate filing fee. (See the **What Is the Filing Fee** section of these instructions.)

Evidence. At the time of filing, you must submit the evidence and supporting documentation listed in the **What Evidence Should You Submit** section of these instructions.

Biometric Services Fee. If you file this application with USCIS, you do not need to include a biometric services fee at the time you submit your application. If you are later notified that you must submit biometrics, you will receive a biometric services appointment notice with instructions on how to submit the additional biometric services fee.

Biometric Services Appointment. USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your application. After USCIS receives your application and ensures it is complete, we will inform you in writing, if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment. If you fail to attend your biometric services appointment, USCIS may deny your application.

Acknowledgement of Appointment at USCIS Application Support Center. Review the ASC Acknowledgement that appears in **Part 5.** of the application. The purpose of this ASC Acknowledgement is to confirm that you have completed your application, reviewed your responses, and verified that the information was provided by you and is complete, true, and correct. If someone helped you fill out your application, that person must review the ASC Acknowledgement with you to make sure you understand it.

Copies. You may submit legible photocopies of documents requested, unless the instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If you submit original documents when not required, the documents may remain a part of the record, and USCIS will not automatically return them to you.

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

How To Fill Out Form I-817

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this application, use the space provided in **Part 9. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks “Provide the name of your current spouse”), type or print “N/A,” unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, “How many children do you have” or “How many times have you departed the United States”), type or print “None,” unless otherwise directed.

We recommend that you print or save a copy of your completed application to review in the future and for your records. We recommend that you review your copy of your completed application before you come to your biometric services appointment at a USCIS ASC. At your appointment, USCIS will permit you to complete the application process only if you are able to confirm, under penalty of perjury, that all of the information in your application is complete, true, and correct. If you are not able to make that attestation in good faith at that time, USCIS will require you to return for another appointment.

Reasons for Filing Form I-817

1. Under IMMACT 90

To prove eligibility for Family Unity Program benefits under **IMMACT 90**, you must establish that you meet the following conditions:

A. You entered the United States prior to May 5, 1988, or December 1, 1988, (depending on the section of law that applies to you), and you have continuously resided in the United States since that date;

B. You must prove that on May 5, 1988, or December 1, 1988 (as appropriate), you were either the spouse or the unmarried child under 21 years of age of a person who became a legalized alien;

NOTE: If you were an unmarried child under 21 years of age of a legalized alien as of May 5, 1988, or December 1, 1988, as appropriate, and you have since married, you will be regarded as continuously eligible for Family Unity Program benefits if you satisfy the other eligibility requirements.

C. You are not in one of the categories of aliens defined in 8 CFR section 236.13, that are **ineligible** for Family Unity Program benefits;

D. Your qualifying relative (spouse or parent), on whom you base your application for Family Unity Program benefits has maintained his or her status as a legalized alien or as a U.S. citizen if he or she naturalized. If deceased, your spouse or parent maintained his or her status until his or her death; and

NOTE: For more information on the two dates, May 5, 1988, or December 1, 1988, see the **Family Unity Benefits Eligibility** section of these instructions regarding relationship to a legalized alien.

2. Under LIFE Act

To prove eligibility for Family Unity benefits under the **LIFE Act**, you must establish that you meet the following conditions:

A. You entered the United States before December 1, 1988, and resided in the United States on that date;

B. You are the spouse or unmarried child under 21 years of age of an alien who is eligible for adjustment of status under section 1104 of the LIFE Act.;

C. Your spouse or parent has a pending application or was granted adjustment of status under the LIFE Act;

D. You are not in one of the categories of aliens defined in 8 CFR section 245a.32, that are ineligible for LIFE Act Family Unity Program benefits; and

E. The qualifying relationship between you and your spouse or parent continues to exist.

3. Family Unity Benefits Eligibility

The classes of individuals eligible to apply for Family Unity benefits are listed below.

Select the box in **Part 2. Basis for Application**, of Form I-817 that matches your request.

A. I am applying for Family Unity benefits because, (select the appropriate box that applies to your request):

(1) **On May 5, 1988**, I was the spouse of an alien who was legalized under section 245A of the INA, and I currently meet all of the necessary residence and other continuous eligibility requirements.

If all of the above are applicable, select **Item Number 1.a.**

(2) **On May 5, 1988**, I was the unmarried child under 21 years of age of a person who was legalized under section 245A of the INA, and I currently meet all of the necessary residence and other continuous eligibility requirements.

If all of the above are applicable, select **Item Number 1.b.**

- (3) **On December 1, 1988**, I was the spouse of an alien who was legalized as a Special Agricultural Worker under section 210 of the INA, and I currently meet all of the necessary residence and other continuous eligibility requirements.

If **all** of the above are applicable, **select Item Number 1.c.**

- (4) **On December 1, 1988**, I was the unmarried child under 21 years of age of a person who was legalized as a Special Agricultural Worker under section 210 of the INA, and I currently meet all of the necessary residence and other continuous eligibility requirements.

If **all** of the above are applicable, **select Item Number 1.d.**

- (5) **On May 5, 1988**, I was the spouse of a legalized alien who adjusted under section 202 of the Immigration Reform and Control Act of 1986 (Cuban/Haitian Adjustment), and I currently meet all of the necessary residence and other continuous eligibility requirements.

If **all** of the above are applicable, **select Item Number 1.e.**

- (6) **On May 5, 1988**, I was the unmarried child of a legalized alien who adjusted under section 202 of the Immigration Reform and Control Act of 1986 (Cuban/Haitian Adjustment), and I currently meet all of the necessary residence and other continuous eligibility requirements.

If **all** of the above are applicable, **select Item Number 1.f.**

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- (7) I am the spouse of an alien who is eligible for and has a pending application or **was** granted adjustment **under** section 1104 of Public Law 106-553, the LIFE Act. I entered the United States **before December 1, 1988**, and resided in the United States on that date.

If **all** of the above are applicable, **select Item Number 1.g.**

- (8) **I am the child of an alien who is eligible for and has a pending application or was granted adjustment under section 1104 of Public Law 106-553, the LIFE Act. I entered the United States before December 1, 1988, and resided in the United States on that date.**

If all of the above are applicable, select Item Number 1.h.

NOTE: When a legalized alien becomes a U.S. citizen, his or her spouse and unmarried children under 21 years of age will be eligible to apply for an immigrant visa or to adjust status as a lawful permanent resident. If you are eligible to apply for an immigrant visa abroad, you must follow the U.S. Department of State requirements. To apply for adjustment of status, you must follow the requirements set forth in the INA and Title 8, CFR.

B. Select the appropriate box that applies to your request.

- (1) Initial family unity benefits under section 301 of IMMACT 90. **Select Item Number 2.a.** if this is your first application requesting family unity benefits.
- (2) An extension of Family Unity benefits under section 301 of IMMACT 90. **Select Item Number 2.b.** if you already have benefits under the Family Unity Program and are requesting an extension. You must submit the following:

- (a) Evidence that Form I-130, Petition for Alien Relative, **was** filed on your behalf, if applicable, and that the legalized alien through whom you obtained Family Unity benefits is a lawful permanent resident or naturalized U.S. citizen; or
- (b) Proof that you no longer have a relationship with your spouse or the legalized alien; **and**
- (c) A copy of your prior Form I-817 approval notice.

- (3) Initial Family Unity benefits under section 1504 of P.L. 106-554, the LIFE Act Amendments. **Select Item Number 2.c.** if

this is your first application requesting Family Unity benefits under the LIFE Act, as amended; **or**

- (4) An extension of Family Unity benefits under section 1504 of P.L. 106-554, the LIFE Act Amendments. **Select Item Number 2.d.** if you already have benefits under section 1504 of P.L. 106-554 and are requesting an extension.

NOTE: If you previously qualified for Family Unity benefit under section 1504, you may be eligible to apply for benefits under section 301 of IMMACT 90.

Specific Instructions

Form I-817 is divided into **Parts 1. - 9.** The following information will help you fill out the **application**.

Part 1. Information About You

Item Number 1. Alien Registration Number (A-Number) (if any). This is your 9-digit file number. If you do not have an A-Number or do not know it, leave this blank. If your A-Number has 8 digits, place a zero before the first number (example: A12345678 must be written A012345678), **if any**.

Item Numbers 2.a. – 2.c. Your Full Name. Provide your full legal name as shown on your identity documents. If you have two last names, include both and use a hyphen (-) between the names, if appropriate.

Item Numbers 3.a. – 4.c. Other Names Used. Provide other names you have used since birth, including your maiden name, any nicknames, and any names that appear in your documents. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information** to provide other names used.

Item Number 5. Date of Birth. Provide your date of birth in mm/dd/yyyy format in the space provided.

Item Number 6. U.S. Social Security Number (if any). Provide your U.S. Social Security Number, if any. If you do not have a U.S. Social Security Number, leave this blank.

Item Number 7. USCIS ELIS Account Number (if any). If you have previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide the USCIS ELIS Account Number you were issued by the system. The USCIS ELIS Account Number is not the same as an A-Number. If you were issued a USCIS ELIS Account Number, enter it in the space provided.

Item Number 8. Gender. Select male or female.

Item Numbers 9 - 10. Country of Birth and Country of Citizenship or Nationality. Provide the name of the country of your birth and the name of the country of your citizenship or nationality. Use the current names of the country of your birth and country of your citizenship or nationality.

Item Numbers 11.a. – 11.f. Mailing Address. Provide your U.S. mailing address, if different from your home address.

Item Numbers 12.a. – 12.e. Physical Address. Provide your physical street address in the United States. This must include a street number and name or a rural route number. Do not put a Post Office Box (PO Box) number here.

Applicants must provide a U.S. or APO/FPO address in either the Mailing Address or the Home Address.

Biographic Information

Provide the biographic information requested in **Part 1, Item Numbers 13. - 18.** Providing this information as part of your application may reduce the time you spend at your USCIS ASC appointment as described in the **Biometric Services Appointment** section of these instructions.

Item Numbers 13. - 14. Ethnicity and Race. Select the boxes that best describe your ethnicity and race.

Categories and Definitions for Ethnicity and Race

- C. Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. (**NOTE:** This category is only included under Ethnicity in **Part 1, Item Number 13.**)

- D. White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- E. Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- F. Black or African American.** A person having origins in any of the black racial groups of Africa.
- G. American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- H. Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Item Number 15. Height. Select the values that best match your height in feet and inches. For example, if you are five feet and nine inches, select “5” for feet and “09” for inches. Do not enter your height in meters or centimeters.

Item Number 16. Weight. Enter your weight in pounds. If you do not know your weight, or need to enter a weight under 30 pounds or over 699 pounds, enter “000.” Do not enter your weight in kilograms.

Item Number 17. Eye Color. Select the box that best describes the color of your eyes.

Item Number 18. Hair Color. Select the box that best describes the color of your hair.

Part 2. Basis for Application

Item Numbers 1.a. – 1.g. I am applying for Family Unity benefits because - Select the box that applies to your particular circumstance.

Item Numbers 2.a. – 2.d. I am requesting - Select the box that relates to what you are requesting.

Item Numbers 3.a. – 3.b. I am claiming relationship to - Select the box that relates to your relationship to the legalized alien.

Part 3. Information About Your Relationship

Information About Your Spouse or Parent

The information requested is about the legalized alien through whom you are claiming eligibility or an applicant qualifying for Legalization under the LIFE Act. You must provide all the requested information in **Item Numbers 1.a. – 12.c.**

Complete Only if You Are Applying Based on a Marital Relationship or You Were Previously Married

Complete this section if you are applying based on a qualifying marital relationship or you were previously married. You must provide all of the requested information in **Item Numbers 13. – 19.k.** If not, go on to the section entitled **Complete Only if You Are Applying Based on a Child/Parent Relationship.**

1. Select the box that reflects your marital status.
2. If you are married, divorced, or widowed, provide the requested information about your marriages.

Complete Only if You Are Applying Based on a Child/Parent Relationship

1. Provide the requested information about your relationship to the alien. If you select the box of parent based on circumstances not described above (for example, legal custody), you need to explain in detail in **Part 9. Additional Information** or attach a separate sheet of paper, and submit supporting documentation required in accordance to the Foreign Affairs Manual.
2. If you were previously married, you must complete **Part 3., Item Numbers 13. – 19.k.**, section entitled **Complete Only if You Are Applying Based on a Marital Relationship or You Were Previously Married**, then select **Item Number 24.** to indicate that you have done so.

Part 4. Additional Information

The information requested is about you. You must provide all the requested information in **Item Numbers 1. - 24.f.** You must answer all the questions in **Item Numbers 25.a. - 38.**

Part 5. Applicant's Statement, Certification, Acknowledgement of Appointment at USCIS Application Support Center, Signature, and Contact Information. Select the appropriate box to indicate that you either read this application yourself or someone interpreted this application for you from English to a language in which you are fluent. If applicable, select the box to indicate if someone prepared this application for you. You must also affirm that you have read and understand or that an interpreter or preparer read to you and you understand the **Acknowledgement of Appointment at USCIS Application Support Center in Part 5.** Further, you must sign and date your application and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every application **MUST** contain the signature of the applicant (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

Part 6. Interpreter's Contact Information, Certification, and Signature. If you used anyone as an interpreter to read the instructions and questions on this application to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, and his or her email address (if any). The interpreter must also certify that he or she has read the **Acknowledgement of Appointment at USCIS Application Support Center in Part 5.** to you in the same language in which you are fluent. The interpreter must sign and date the application.

Part 7. Contact Information, Statement, Certification, and Signature of the Person Preparing this Application, If Other Than the Applicant. This section must contain the signature of the person who completed your application, if other than you, the applicant. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part 6.** and **Part 7.** If the person who completed this application is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you prepare this application **MUST** sign and date the application. A stamped or typewritten name in place of a signature is not acceptable. Anyone who helped you prepare your application must also certify that he or she has read the **Acknowledgement of Appointment at USCIS Application Support Center in Part 5.** to you, and that you informed him or her that you understood the ASC Acknowledgement. If the person who helped you prepare your application is an attorney or accredited representative, he or she must also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your application.

Part 8. Signature for Placement on Employment Authorization Document. Make sure that your signature fits into the box provided. No part of your signature should be outside the box.

Part 9. Additional Information. If you need extra space to provide any additional information within this application, use the space provided in **Part 9. Additional Information.** If you need more space than what is provided in **Part 9.**, you may make copies of **Part 9.** to complete and file with your application or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

What Evidence Should You Submit?

You must submit all evidence or supporting documents requested in these instructions with your application. If you fail to submit required evidence or supporting documents, USCIS may reject or deny your application for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these instructions.

1. If you are requesting initial Family Unity Benefits under section 301 of IMMACT 90

You must prove that the required relationship exists and that you are eligible to file an initial application.

Submit copies of the following:

- A.** The document issued by USCIS to your legalized spouse or parent (for example, Form I-551, Permanent Resident Card; N-550, Certificate of Naturalization; etc.);
- B.** If the legalized alien is your spouse, your registered marriage certificate; **or**

NOTE: If you or your spouse were previously married, submit a copy of a final divorce decree or death certificate.

C. If the legalized alien is your parent, provide evidence of a valid parent-child relationship.

This evidence can vary, depending on the circumstances of your relationship.

- (1) If your mother is the legalized alien, submit a copy of your birth certificate showing your mother's name;
- (2) If you were born in wedlock and the legalized alien is your natural father, submit a copy, front and back birth certificate showing your father's name, your parents' marriage certificate, and proof of termination of any of their prior marriages;
- (3) If you are the legitimated child of a legalized father, submit a copy, front and back birth certificate and evidence of your legitimation. Legitimation may be established by the marriage certificate of your natural parents or by documents of legitimation issued by civil authorities. The legitimation must have occurred while you were unmarried and prior to your 18th birthday. You must also submit evidence of any legal termination of your parents' prior marriages, if your legitimation resulted from your natural parents' marriage to each other;
- (4) If you were born out of wedlock and the legalized alien is your natural father, submit a copy, front and back of your birth certificate showing your father's name;

NOTE: Evidence showing that a bona fide parent-child relationship exists must also be provided.

Such evidence may include, but is not limited to:

- (a) Money order receipts or canceled checks showing your father's financial support;
 - (b) Your father's income tax returns;
 - (c) Your father's medical or insurance records showing you as a beneficiary;
 - (d) Your school records;
 - (e) Your father's work documents showing you as a beneficiary; **or**
 - (f) Correspondence and/or notarized affidavits from witnesses who are knowledgeable about the relationship.
- (5) If the legalized alien is your stepparent, whether or not you were born in wedlock, evidence must be provided showing that you had not reached 18 years of age at the time of the marriage creating your status as a stepchild. Submit a copy of your birth certificate showing the name of your natural parent to whom your stepparent is married. You must also provide a copy of the marriage certificate that created the stepparent-stepchild relationship and evidence of termination of any previous marriages of your natural parent and stepparent; **or**
- (6) If you are the adopted child of a legalized alien parent, submit a certified copy of your adoption decree showing that you were adopted while under 16 years of age; a copy of the legal custody decree (including any official stamps or seals on the document) if your custody was obtained before adoption; and a statement showing the dates and places where you and your adoptive parents have lived together.

NOTE: If you or your parent has had a name change, the document authorizing the name change must be submitted.

2. If you are requesting initial Family Unity benefits under section 1504 of P. L. 106-554, LIFE Act Amendments.

Copies of the following documents are evidence that the required relationship exists and that you may be eligible to file an initial application:

- A.** If the alien eligible for adjustment under the LIFE Act is your spouse, submit a copy, front and back, of a registered marriage certificate. If you or your spouse were married previously, submit a copy of a final divorce decree or death certificate.

- B.** If the alien eligible for adjustment under the LIFE Act is your parent, **provide** evidence of a valid parent-child relationship. This evidence can vary depending on the circumstances of your relationship:
- (1)** If your mother is the alien eligible for adjustment under the LIFE Act, submit a copy your birth certificate, front and back, showing your mother's name;
 - (2)** If you were born in wedlock and the alien eligible for adjustment under the LIFE Act is your natural father, submit a copy of your birth certificate, front and back, showing your father's name, your parents' marriage certificate and proof of termination of any of prior marriages;
 - (3)** If you are the legitimated child of an alien eligible for adjustment under the LIFE Act, submit a copy of your birth certificate and evidence of your legitimation. Legitimation may be established by the marriage certificate of your natural parents or by documents of legitimation issued by civil authorities. The legitimation must have occurred while you were unmarried and prior to your 18th birthday. You must also submit evidence of any legal termination of your parents' prior marriages if your legitimation resulted from your natural parents' marriage to each other;
 - (4)** If you were born out of wedlock and the alien eligible for adjustment under the LIFE Act is your natural father, submit a copy of your birth certificate, front and back, showing your father's name. Evidence showing that a bona fide parent-child relationship exists must also be submitted;

Such evidence may include but is not limited to:

- (a)** Money order receipts or canceled checks showing your father's financial support;
 - (b)** Your father's income tax returns;
 - (c)** Your father's medical or insurance records showing you as a beneficiary;
 - (d)** Your school records; **and**
 - (e)** Your father's work documents showing you as a beneficiary.
- (5)** If the alien eligible for adjustment under the LIFE Act is your stepparent, whether or not you were born in wedlock, evidence must be provided showing that you had not yet reached 18 years of age at the time of the marriage creating your status as a stepchild. Submit a copy of your birth certificate, front and back, showing the name of your natural parent to whom your stepparent is married. A copy of the marriage certificate that created the stepparent-stepchild relationship and evidence of termination of any previous marriages of your natural parent and stepparent must also be provided; or
- (6)** If you are the adopted child of an alien parent eligible for adjustment under the LIFE Act, submit a certified copy of your adoption decree showing that you were adopted while under 16 years of age; a copy of the legal custody decree if your custody was obtained before adoption; and a statement showing the dates and places you and your adoptive parents have lived together.

NOTE: If you or your parent had a name change, the document authorizing the name change must be submitted.

3. Secondary evidence (for applicants of both section 301 of IMMACT 90 and section 1504 of P. L. 106-554, the LIFE Act Amendments).

Official documents must be issued by the civil registrar, vital statistics office, or other civil authority. If such documents are unavailable, you must file your application with evidence from those authorities establishing that the primary evidence is unavailable. You must then submit secondary evidence to establish the facts in question. Submit as many types of secondary evidence as possible to verify the claimed relationship. Any evidence submitted must contain enough information (**for example**, dates, names, etc.) to establish the event you are trying to prove. Listed below are examples of secondary evidence:

- A. Baptismal certificate.** A certificate under the seal of the church or other religious entity where the baptism or similar rite took place. The certificate must have been issued within **two** months of the birth, show the date and place of the birth, date of the baptism, and names of the child's parents;
- B. School record.** A letter from the school official charged with recording attendance. The letter must show the date of admission, the child's date of birth or age at the time of admission, and the place of birth of the parents, if shown in the record; or
- C. Census record.** State or Federal census record showing the names and places of birth, and dates of birth or ages of the persons listed.

As noted above, if all forms of primary and secondary evidence are unavailable, you must file your application with evidence from those authorities stating that such evidence is not available. In such case, you may submit at least two affidavits sworn to or affirmed by persons who are not parties to the application who have direct personal knowledge of the events or circumstances. The persons making the affidavits do not have to be U.S. citizens.

Each affidavit must contain the full name, address, date and place of birth, and signature of the person attesting to the events. The affidavit must also explain the person's relationship to you, full information concerning the events, and complete details of how the person acquired the information.

4. Evidence of continuous residence requirements for Family Unity applicants under section 301 of IMMACT 90.

You must submit at least **three** documents that prove residence in the United States since May 5, 1988, or December 1, 1988. Such evidence may include but is not limited to:

- A.** Employment records, pay stubs, W-2 Forms, Federal and/or State tax returns, letters from employers, or, if you are self-employed, letters from banks and other firms with whom you have done business. Your name and the name of the employer or other interested organization must appear on the form or letter;
- B.** Employment letters must be in affidavit form and must be signed by the employer under penalty of perjury. The letters must include dates of employment, your home address at the time of employment, and your duties with the company;
- C.** Hospital or medical records showing treatment or hospitalization of you or your children in the United States. The records must show the name of the medical facility or physician and the dates of the treatment or hospitalization;
- D.** Attestations by an official of a church, union, or other organization indicating your residence, dates of membership, and attendance. The statement must include the organization's seal and be on official letterhead stationary, if available;
- E.** Rent receipts, utility bills, or letters from companies showing the dates when you received service;
- F.** School records (**for example**, letters, report cards, etc.) from schools you or your children have attended in the United States that show the name of the school and periods of attendance; **or**
- G.** Any other relevant documents such as money order receipts, passport entries, insurance documents, birth certificates of children born in the United States, correspondence between you and another person or organization, automobile license receipts, deeds, mortgages, contracts to which you have been a party, insurance policies, etc.

5. Evidence requirements for Family Unity applicants under section 1504 of P. L. 106-554, the LIFE Act Amendments.

You must submit documents that prove entry into the United States before December 1, 1988, and residence on that date. Such evidence may include but is not limited to:

- A.** At least **three** documents that prove entry into the United States before December 1, 1988. **For example:** **A** photocopy of your Form I-94, Arrival-Departure Record; Form I-862, Notice to Appear; Form I-122, Notice to Applicant for Admission Detained for Hearing Before an Immigration Judge; Form I-221, Order to Show Cause; photocopies of other DHS (including USCIS) documents, including any application or petition for benefits under the Act filed by or on your behalf on or prior to December 1, 1988; or a fee receipt issued for such application or petition;
- B.** Other government documentation issued by a Federal, State, or local authority, provided such documentation bears the signature, seal, or other authenticating authority; was dated at the time of issuance; and bears the date of issuance not later than November 30, 1988, when proving entry. **For example:** **A** State driver's license, a State identification card issued in lieu of a driver's license, a county or municipal hospital record, a public college or public school transcript, income tax records, property tax payment, private or religious school transcripts (the school having been registered with, or approved or licensed by appropriate State or local authorities, or having been accredited by the State or regional accrediting body, or by the appropriate private school association);

- C. Non-governmental documents that include actual dates. **For example:** Employment records, pay stubs, employer letters, or if self-employed, letters from banks and other firms with whom you have done business (your name and the name of the employer or interested organization must appear on the form or letter and must be in affidavit form, signed by the employer, under penalty of perjury, and must include dates of employment, home address at the time of employment, and duties with the company), hospital or medical records showing hospitalization or treatment showing the name of the medical facility or physician and dates of the treatment, attestation by a church official, union, or other organization indicating your residence, dates of membership, and attendance, including the organization's seal and letterhead; **or**
- D. Other relevant documents, including but not limited to: rent receipts, credit card statements, utility bills, money orders, passport entries, insurance documents, birth certificate of child born in the United States, automobile license receipts, deeds, mortgages, and contracts to which you have been a party.

6. Request for extension of Family Unity Benefits.

The following documents are evidence that the required relationship existed on May 5, 1988 or December 1, 1988, and that you may be eligible to file an application for extension of Family Unity benefits:

- A. A copy, front and back, of the document issued by USCIS to your legalized spouse or parent (**for example**, Form I-551, Permanent Resident Card; N-550, Certificate of Naturalization; etc.);
- B. If the legalized alien through whom Family Unity benefits were obtained is a lawful permanent resident or naturalized U.S. citizen, evidence that Form I-130, **was** filed on your behalf, if applicable;
- C. Evidence that you **were** granted Family Unity benefits in the past;
- D. A list of all trips you made outside the United States since you were last granted Family Unity benefits. This statement must include the dates and reason for each absence. If you have not been outside the United States since your last Form I-817 was approved, provide a statement affirming this fact;
- E. A list of all your residences in the United States since your last Form I-817 was approved; **and**
- F. Fingerprints, if you were under 14 years of age when your last Form I-817 was approved, but are now 14 years of age or older, or if USCIS requests them, as part of the biometrics services.

Photographs

You **must** submit two identical color photographs of yourself taken within 30 days of the filing of this application. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and **must not be mounted or retouched**.

NOTE: Because of the current USCIS scanning process, if a digital photo is submitted, it needs to be produced from a high resolution camera that has at least 3.5 mega pixels of resolution

Passport-style photos must be 2"x 2." The photos must be in color with full face, frontal view on plain white to off-white background. Head height should measure 1" to 1 3/8" from top of hair to bottom of chin, and eye height is between 1 1/8" to 1 3/8" from bottom of photograph. Your head must be bare unless you are wearing headwear as required by a religious denomination of which you are a member. Using a pencil or felt pen, lightly print your name and Alien Registration Number (A-Number) (if any) on the back of the photo.

What Is the Filing Fee?

The filing fee for Form I-817 is **\$435**. A biometric services fee of **\$85** is also required for applicants between 14 and 79 years of age.

NOTE: The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this application. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Use the following guidelines when you prepare your checks or money orders for the Form I-817 filing fee and biometric services fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**
2. Make the checks or money orders payable to **U.S. Department of Homeland Security**.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”

Notice to Those Making Payment by Check. If you send us a check, USCIS will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If USCIS cannot complete the EFT because of insufficient funds, we may try to make the transfer two additional times.

How To Check If The Fees Are Correct

Form I-817 filing fee and biometric services fee are current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

1. Visit the USCIS Web site at www.uscis.gov, select “FORMS,” and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Improperly filed form will be rejected, and the fee returned, with instructions to resubmit the entire filing using the current form instructions.

Where to File?

Please see our Web site at www.uscis.gov/I-817 or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this application. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Address Change

You must notify USCIS of your new address within 10 days of moving from your previous residence. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Processing Information

You must have a United States address to file this application.

Initial Processing. Once your application is accepted, USCIS will check it for completeness. If you do not completely fill out this application, you will not establish a basis for your eligibility and the adjudicating agency may reject or deny your application.

Requests for More Information. We may request that you provide more information or evidence to support your application. We may also request that you provide the originals of any copies you submit. USCIS will return any requested originals when they are no longer needed.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your application. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

Decision. The decision on Form I-817 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

USCIS Forms and Instructions

To ensure you are using the latest version of this application, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our online system, **InfoPass**, at infopass.uscis.gov. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-817, we will deny your Form I-817 and may deny any other immigration benefit. In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this application, and the associated evidence, is collected under the section 301 of the Immigration Act of 1990 (IMMACT 90) and section 1504 of the Legal Immigration Family Equity Act (LIFE Act).

PURPOSE: The primary purpose for providing the requested information on this application is to determine if you have established eligibility for the immigration benefit for which you are filing. DHS will use the information you provide to grant or deny the immigration benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in your case or result in denial of your application.

ROUTINE USES: DHS may share the information you provide on this application with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File, Index, and National File Tracking System of Records] which you can find at www.dhs.gov/privacy. DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 2 hours per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. The collection of biometrics is estimated to require 1 hour and 10 minutes. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0018. **Do not mail your completed Form I-817 to this address.**