AMERICAN IMMIGRATION LAWYERS ASSOCIATION

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Department of Homeland Security
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**Submitted via www.regulations.gov**

**Re: Department of Homeland Security, U.S. Citizenship and Immigration Services, Notice of Proposed Rulemaking; *Affidavit of Support on Behalf of Immigrants* (DHS Docket No. USCIS-2019-0023; CIS No: 2655-20; RIN 1615-AC39)**

Dear Mr. Phillips and Ms. Deshommes:

The American Immigration Lawyers Association (AILA) respectfully submits this comment in opposition to the notice of proposed rulemaking published in the Federal Register on October 2, 2020 by the United States Citizenship and Immigration Services (USCIS) amending its regulations governing the affidavit of support requirements under section 213A, DHS Docket No. USCIS-2019-0023, *Affidavit of Support on Behalf of Immigrants*, 85 FR 62432 (October 2, 2020) ("Proposed Rule").[1] For the reasons discussed below, we urge USCIS to withdraw its notice of proposed rulemaking.

Established in 1946, AILA is a voluntary bar association of more than 15,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, U.S. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We believe that our members' collective expertise and experience makes us particularly well-qualified to offer views on this matter.

We fully endorse and incorporate the comments submitted by the National Immigration Law Center (NILC) and the Immigrant Legal Resource Center (ILRC). Our comment focuses primarily on the proposed rule's new evidentiary requirements which would require sponsors, joint sponsors, and household members to provide Federal income tax returns for the three most recent tax years, instead of a tax return for the most recent tax year, credit reports and credit scores, as well as extensive bank account information to meet the requirements under section 213A of the Act.

[1] 85 FR 62432 (October 2, 2020).

### A. This proposed regulation is yet another attack by the Trump administration on the family-based immigration system as set forth by Congress and must be withdrawn

The United States has long recognized family unity as a core national value. As such, since the Immigration and Nationality Act (INA) was enacted in 1965, family-based immigration has been a cornerstone of our U.S immigration system.[2] For more than half a century, our country and our communities have reaped the extensive benefits of family-based immigration policies: family immigration drives small business creation, fuels innovation, promotes integration, ensures the maintenance of strong family support systems, and strengthens our nation.[3] Family-based immigrants make valuable contributions to the U.S. economy as well as to our local communities. They account for a significant portion of our domestic economic growth, play a role in our current and future labor force, contribute to business development and improvements to our communities, and are among the most upwardly mobile segments of the U.S. labor force.[4] Their upwardly mobility is explained by their high rates of post-immigration human capital investment[5] which consists of the knowledge, skills, and health that people invest in and accumulate throughout their lives, enabling them to realize their potential as productive members of society.[6] Studies show that family-based immigrants with lower initial earnings invest in human capital at higher rates than natives or employment-based immigrants.[7] This benefits not only immigrants, but also the economy at large. America benefits when families are together. United families are strong families, with built in support networks that propel innovation and initiative and further America's economic and social interests. Immigrant families work hard, pay taxes, buy homes, and start businesses that generate jobs for U.S. workers.[8]

By way of its proposed rule, USCIS is attempting to slow or restrict family-based immigration to the United States by making it significantly more burdensome, costly, and restrictive for U.S. citizens and lawful permanent residents to immigrate close family members. The proposed changes to the affidavit of support would have a profoundly negative impact on U.S. citizens and U.S. permanent residents who will be deterred or even disqualified from being able to immigrate their loved ones because of the onerous requirements in this proposed rule. By the agency's own admission, the proposed rule will lead to fewer U.S. citizens and lawful permanent residents being able to meet the affidavit of support requirements, which in turn will lead to a reduction in family-based immigration. The proposed rule states, "DHS acknowledges this proposed new regulatory provision would likely reduce the number of individuals who would be eligible to qualify as a sponsor,"[9] and that the proposed rule "could [lead to] a reduction in the number of immigrants granted an immigration benefit in cases where the intending immigrant is unable to obtain a sponsor who can meet the new requirements under this proposed rule."[10]

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[2] *See* INA §201(a).
[3] *See The Advantages of Family-Based Immigration*, AM. IMMIGRATION COUNCIL (March 14, 2013), https://www.americanimmigrationcouncil.org/sites/default/files/research/fact_sheet_on_family_immigration_0.pdf.
[4] *Id*.
[5] *See* Harriett Duleep. *U.S. Immigration Policy at a Crossroads*, IZA INST. OF LABOR ECONOMICS (2013)
[6] *The Human Capital Project: Frequently Asked Questions*, THE WORLD BANK, https://www.worldbank.org/en/publication/human-capital/brief/the-human-capital-project-frequently-asked-questions (last visited Nov. 2, 2020).
[7] *See* Harriett Duleep & Mark Regets, *Family-friendly and Human-Capital-Based Immigration Policy*, IZA WORLD OF LABOR, OCTOBER 2017. *See also Human Capital Investment Drives Family-Based Immigrant Earnings Growth*, NISKANEN CENTER (Nov. 2, 2017), https://www.niskanencenter.org/human-capital-investment-drives-family-based-immigrant-earnings-growth/.
[8] *The Advantages of Family-Based Immigration*, *supra* note 3.
[9] Proposed Rule, 85 FR at 62457.
[10] Proposed Rule, 85 FR at 62435 (Table 1 – Summary of Major Provisions and Economic Impacts of the Proposed Rule).

This regulation is yet another attack by the administration on and an attempt to circumvent the family-based immigration system as established by Congress. Its purpose is simply to create new obstacles to family-based immigration, which has been the foundation of the modern U.S. immigration system for more than half a century. If this proposal were to become law, it will have a chilling effect on family-based immigration, undermining Congressional intent for our U.S. immigration system and our national commitment to family unity, a robust economy, and to strong, economically vibrant communities. For the reasons outlined below, AILA strongly opposes this proposed regulation and urges USCIS to withdraw it.

**B. This proposed rule imposes additional and onerous evidentiary burdens on sponsors, joint sponsors, and household members without providing a reasoned explanation for such a change**

USCIS is proposing to increase the evidence that sponsors, joint sponsors, and household members must submit to the federal government to meet the requirements under section 213A of the Act. Current law requires that sponsors must include a tax transcript or Federal income tax return, along with all relevant schedules, W-2s, and 1099s.[11] Pursuant to current regulations, the sponsor *may* include letters evidencing current employment and income, paycheck stubs, financial statements, or "other evidence of the sponsor's anticipated household income for the year in which the intending immigrant files the application."[12] If using assets in lieu of income, the sponsor *may* include "evidence of the sponsor's ownership of significant assets, such as a savings account, stocks, bonds, certificates of deposit, real estate, or other assets."[13] Under the proposed rule, sponsors, joint sponsors, and household members who execute an Affidavit or Contract would be required to provide Federal income tax returns for the three most recent tax years instead of one tax return for the most recent tax year, as well as credit reports, credit scores, and in-depth bank account information.[14] For the following reasons, which are discussed in more detail below, AILA opposes these additional and onerous evidentiary requirements and urges USCIS to withdrawn them.

- USCIS fails to provide any data or evidence in its proposed rule regarding the inadequacy of its current evidentiary requirements to reasonably justify why new documentary evidence must now be provided by sponsors, joint sponsors, and household members in support of an affidavit of support. For example, no data or analysis is provided by USCIS showing that sponsors, joint sponsors, or household members are currently failing to fulfil their affidavit of support obligations due to insufficient financial means, necessitating such a change to the evidentiary requirements. As the agency failed to provide a reasoned explanation for its significant shift in the evidentiary requirements for sponsors, joint sponsors, and household members to meet the requirements of INA section 213A, its proposed rulemaking is arbitrary and capricious and must be withdrawn.
- These new evidentiary requirements, such as requiring a credit score and credit report, are not indicative of a sponsor or household member's current income, nor their ability to maintain income at the required level or fulfill future support obligations. Therefore, credit scores and credit reports should have no role in the determination of whether sponsors, joint sponsors, and household members who execute Form I-864A, meet the requirements under section 213A of the Act.

[11] INA §213A; 8 CFR §213a.
[12] 8 CFR §213a.2(c)(2)(i)(A) (emphasis added).
[13] 8 CFR §213a.2(c)(2)(iii)(B) (emphasis added).
[14] Proposed Rule, 85 Fed. Reg. at 62433.

- These new evidentiary requirements will make the affidavit of support process more costly and burdensome for U.S. citizen and U.S. permanent resident sponsors to request and compile this new evidence. For example, both IRS-certified copies and IRS transcripts require submitting a separate form to the IRS to obtain this evidence. An IRS-certified copy of a tax return costs $50 per return. This means it will cost the sponsor a total of $150 for the required three years of tax returns if the sponsor submits official copies instead of transcripts of their tax returns. In addition, the proposed rule would require that all sponsors, as well as household members who execute Form I-864A, submit a credit report and credit score. While all individuals are entitled to one free credit report per year, they must pay to obtain their credit score. Credit scores cost about $20. These new costs to obtain supporting evidence would mean that sponsors may have to pay up to an additional $170 associated with filing their Affidavit of Support on Form I-864, I-864EZ, or I-864A. This could discourage people from sponsoring their immigrant family members or from serving as joint sponsors and lead to a reduction in the flow of family-based immigrants to the United States, circumventing Congressional intent for our U.S. immigration system and undermining family unity, our economy, and our local communities.
- By substantially increasing the documentation that applicants must submit in support of a family-based immigrant petition, these evidentiary requirements will significantly increase the burden on USCIS adjudicators, lengthening case processing times and adding to the agency's crisis-level case backlog.[15]
- This proposal also raises serious privacy and security concerns. In an era where cybercrime, data breaches, and identity theft are on the rise and continue to pose a serious threat to the public, USCIS has not adequately explained in its proposal how such private and sensitive financial information would be protected from potential data breaches.

**a. The proposal to require sponsors, joint sponsors, and household members to provide a credit report and credit score imposes unnecessary burdens on sponsors and household members and is not rationally justified or supported by the rule**

USCIS is proposing to amend its regulations to require that petitioning sponsors, joint sponsors, and household members who execute Form I-864A must obtain and submit a credit report and a credit score, as part of the supporting documentation for the affidavit of support, in addition to the new tax documentation and in-depth bank account information. According to the proposed rule, a poor credit score (below 580) or negative information on the credit report "may indicate that a sponsor does not have the means to maintain income to support the intending immigrant or that the sponsor will not be able to carry out the support obligations."[16] The proposed rule further provides "[o]n the other hand, a fair or higher credit score (580 or above) or positive credit history may indicate that a sponsor has the means to maintain income to support the intending immigrant and that the sponsor will be able to carry out the support obligation.[17]

AILA opposes this proposal to require credit scores and credit reports from sponsors, joint sponsors, and household members executing Form I-864A. This new evidentiary requirement, as with other documentary changes in the proposed rule, would impose additional costs and burdens on sponsors, joint sponsors, and household members without adequate justification. Sponsors, joint sponsors, and household members would bear the cost of obtaining a credit report and credit score from any one of the three major

[15] *See AILA Policy Brief: Crisis Level USCIS Processing Delays and Inefficiencies Continue to Grow*, AM. IMMIGRATION LAWYERS ASS'N (February 26, 2020), https://www.aila.org/advo-media/aila-policy-briefs/crisis-level-uscis-processing-delays-grow.
[16] Proposed Rule, 85 Fed. Reg.at 62445.
[17] *Id.*

credit bureaus in the United States to be submitted with the Affidavit or Contract. While all individuals are entitled to one free credit report per year from each of the three major credit bureaus in the United States, they are not necessarily entitled to a free credit score. USCIS estimates that the cost to obtain a credit score cost is about $20.[18] Yet USCIS has failed to adequately justify this new cost. The proposed rule states that its proposed changes will "better ensure" sponsors are able to meet their financial obligations; however, USCIS has failed to provide any data or analysis evidencing that currently sponsors are failing to fulfil their affidavit of support obligations due to insufficient financial means, necessitating such a change.[19]

Nor has USCIS adequately demonstrated that credit scores and credit reports would be indicative of a sponsor or household member's ability to maintain income at the required level or fulfill future support obligations. Credit scores are calculated by credit bureaus according to proprietary formulas for the purpose of helping lenders avoid risk. Neither credit reports nor credit scores were designed to provide information about an individual's resources or income. USCIS offers no data or evidence that a low credit score is indicative of an individual's inability to maintain an annual income at or above the required income threshold or meet all the support obligations during the period the affidavit is in effect. A bad or low credit record could be the result of circumstances beyond the individual's control, such as a sudden illness or an unexpected job loss, circumstances which have become far too common for millions of Americans in light of the coronavirus pandemic, and from which an individual may subsequently recover. Moreover, a low credit score or a negative credit report is not necessarily indicative of one's current financial situation as it can take several years for one's credit report or credit score to recover from an incident that caused a bad credit score on the report, such as late or missed payments, even though the sponsor's income has greatly improved. Negative credit history can remain on one's report for 7-10 years.[20]

Furthermore, credit report errors are all too common, a problem that USCIS neither acknowledges nor addresses in its proposal.[21] A 2012 survey conducted by the Federal Trade Commission on credit report accuracy found that more than 25 percent of participants identified at least one potentially material error on their credit report.[22] Errors are commonly caused by the ways that consumer reporting agencies match files, in addition to incorrect information reported by creditors and other data "furnishers," and as a result of identity theft.[23] Correcting errors on a credit report can be very difficult, time consuming and frustrating process[24], particularly for individuals who have been the victim of identity theft. Often a consumer cannot get the error corrected, even after multiple disputes.[25]

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[18] Proposed Rule, 85 Fed. Reg. at 62464.
[19] Proposed Rule, 85 Fed. Reg.at 62445.
[20] *How Long Does it Take for Information to Come Off your Credit Report*, EXPERIAN (Jan. 17, 2020), https://www.experian.com/blogs/ask-experian/how-long-does-it-take-information-to-come-off-your-report/.
[21] *See e.g., Errors and Gotchas: How Credit Report Errors and Unreliable Credit Scores Hurt Consumers*, CONSUMERSUNION (April 9, 2014), https://advocacy.consumerreports.org/wp-content/uploads/2014/04/Errors-and-Gotchas-report.pdf (noting that a recent Federal Trade Commission study found that one in five, or an estimated 40 million consumers, had an error on their credit reports).
[22] REPORT TO CONGRESS UNDER SECTION 319 OF THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003, FEDERAL TRADE COMMISSION (December 2012), https://www.ftc.gov/sites/default/files/documents/reports/section-319-fair-and-accurate-credit-transactions-act-2003-fifth-interim-federal-trade-commission/130211factareport.pdf at page 5.
[23] *See Errors and Gotchas*, *supra* note 21.
[24] *Id.*
[25] *See Facts for Older Consumers: Disputing Errors in a Credit Report*, NAT'L CONSUMER LAW CENTER, https://www.nclc.org/images/pdf/older_consumers/cf_disputing-errors-in-a-credit-report.pdf.

USCIS has also failed to address in its proposed rule that some U.S. citizens residing overseas will have difficulty obtaining a credit score, particularly if they have been residing outside of the U.S. for several years. U.S. credit reports and scores are available only for U.S. residents who have a residential address in the United States. A U.S. citizen living abroad is not a U.S. resident until he/she returns to the U.S. to live. U.S. citizens should not be denied the ability to sponsor a relative just because the U.S. citizen-sponsor lacks a credit report. USCIS has failed to acknowledge in its proposal how the agency would take into consideration family-based immigrant visa applications sponsored by U.S. citizens who have resided overseas for several years who lack a credit history or credit score.

Notably, studies indicate that our current credit scoring systems have a harmful, disparate impact on people and communities of color.[26] According to the National Fair Housing Alliance, these credit scoring systems are rooted in our nation's long history of housing discrimination and the dual credit market that resulted from it.[27] Moreover, many credit scoring mechanisms include factors that do not just assess the risk characteristics of the borrower; they also reflect the riskiness of the environment in which a consumer is utilizing credit as well as the riskiness of the types of product a consumer uses.[28] USCIS has neither acknowledged the disparate impact of current credit scoring systems on people and communities of color in its proposed rule nor addressed how the agency would overcome this disparate impact if the agency's proposal is adopted and implemented.

For all of these reasons, credit reports and credit scores should have no role in the determination of whether sponsors and household members who execute Form I-864A meet the requirements under section 213A of the Act and should be withdrawn from USCIS's proposal.

**b. The proposal to require sponsors, joint sponsors, and household members to provide IRS-issued certified copies or transcripts of their Federal income tax returns for the 3 most recent taxable years lacks a reasoned explanation justifying a change to the agency's current policy and must be withdrawn**

USCIS is proposing to amend its regulations to require sponsors, joint sponsors, and household members who execute Form I-864A to provide Internal Revenue Service (IRS)-issued certified copies or transcripts of their Federal income tax returns for the 3 most recent taxable years.[29] Currently, sponsors, joint sponsors, and household members who execute Form I-864A are only required to submit either a photocopy or an IRS-issued transcript of his or her complete Federal income tax return for the most recent taxable year, along with all associated schedules, W-2s and 1099s.[30] However, sponsors may, at his or her option, submit tax returns for the three most recent years if the sponsor believes that these additional tax returns may help in establishing the sponsor's ability to maintain his or her income at the applicable threshold .[31]

The 1997 interim final rule implementing section 213A of the Act, 8 U.S.C. 1183a, required sponsors to provide copies of the 3 most recent tax years with an Affidavit.[32] However, in the 2006 final rule, USCIS chose to require sponsors to only submit tax returns for the most recent tax year, as permitted by section

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[26] *See, e.g., Discriminatory Effects of Credit Scoring on Communities of Color*, NAT'L FAIR HOUSING ALLIANCE (June 2012), https://nationalfairhousing.org/wp-content/uploads/2017/04/NFHA-credit-scoring-paper-for-Suffolk-NCLC-symposium-submitted-to-Suffolk-Law.pdf.
[27] *Id.*
[28] *Id.*
[29] Proposed Rule, 85 Fed. Reg. at 62446.
[30] *See* INA section 213A(f)(6)(B). 8 *See also* CFR 213a.2(c)(2)(i)(A).
[31] *Id.*
[32] *See Affidavit of Support on Behalf of Immigrants*, 62 FR 54346, 54354 (Oct. 20, 1997).

213A(f)(6)(B) of the Act.[33] The 2006 final rule does, however, allow sponsors to submit tax returns for the 3 most recent tax years, if they believe the additional tax returns may help to establish their ability to maintain the required household income.[34]

The agency's justification in its notice of proposed rulemaking for changing its evidentiary requirements from one year of tax documentation back to three years is that this and other changes to the evidentiary requirements will "better enable" immigration officers to determine whether a sponsor meets the financial requirements for the affidavit of support, without providing a reasoned explanation as to why three years of tax documentation is necessary to do that and without any discussion of the fact that the 2006 final rule had the same purpose, but accomplished it by requiring only one year of tax documentation. USCIS fails to provide any data or evidence justifying why the agency's current requirement of one year of tax documentation is insufficient. The agency's arbitrary change to the more burdensome alternative does not meet the minimum required for reasoned decision-making, particularly as the agency has been implementing the less burdensome alternative for more than fourteen years.[35] The agency's failure to provide a reasoned explanation for its policy change is arbitrary and capricious and must be withdrawn.

USCIS is also proposing to require IRS-issued certified copies or transcripts of tax returns in lieu of photocopies. USCIS provides no explanation, data, or rationale in its proposed rule for why complete photocopies of tax returns, along with the sponsor's certification under penalty of perjury that the copies are true copies, is insufficient, particularly as the agency has long accepted photocopies. Notably, USCIS cites to no problems, such as fraud or other abuse, that would require or necessitate such a change.

Notably, when evaluating this issue during its 2006 rulemaking, USCIS previously determined it unnecessary to require IRS-certified copies of tax returns to be submitted with the I-864, particularly as the sponsor certifies under penalty of perjury that the copies are true copies:

> If, as the IRS recommends, the sponsor has kept photocopies or duplicate originals of the sponsor's returns in the sponsor's own file, the sponsor may submit copies of his or her own file copies . . . the interim rule and the Form I-864 itself make it clear that, by signing the Form I-864, the sponsor certifies under penalty of perjury that the copies are true copies.[36]

For policy changes that contradict prior findings, agencies must provide a reasoned explanation for the change,[37] something that USCIS has failed to do. The agency's failure to provide a reasoned explanation for its policy change is arbitrary and capricious and must be withdrawn.

This change is not only unnecessary, but it would also be burdensome on sponsors, joint sponsors, and household members in terms of cost and time. USCIS estimates that the fee for requesting an IRS-certified copy of a tax return costs $50 per return.[38] As the proposed rule would require three years of tax

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[33] *See Affidavits of Support on Behalf of Immigrants*, 71 FR 35731 (June 21, 2006).
[34] *See* INA section 213A(f)(6)(B), 8 U.S.C. 1183a(f)(6)(B). *See also* 8 CFR 213a.2(c)(2)(i)(A); *Affidavits of Support on Behalf of Immigrants*, 71 FR 35731 (June 21, 2006).
[35] *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2125 (2016) (finding that in administrative rulemaking, agency must give adequate reason for changing its position, particularly when affected parties have substantial reliance interests in the prior position).
[36] 71 Fed. Reg. at 35738.
[37] *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2125 (2016) (finding that in administrative rulemaking, agency must give adequate reason for changing its position, particularly when affected parties have substantial reliance interests in the prior position); *FCC v. Fox Television Studios, Inc*. 556 U.S. 502, 515-16 (2009).
[38] Proposed Rule, 85 Fed. Reg. at 62464.

returns rather than just one, sponsors will have to pay up to $150 to obtain this evidence, not including the additional cost to obtain a credit score (described above), unless they opt for transcripts which are available for free from the IRS but nonetheless require time to fill out an IRS request form. This new evidentiary requirement for transcripts or an official IRS copy of tax returns for the last three years adds a wholly unnecessary time and resource burden on sponsors, joint sponsors, and household members. USCIS fails to take into consideration in its proposed rule that the IRS may take quite a long time to process and return a tax return and for a transcript to be available to a taxpayer. Obtaining official IRS-certified copies or transcripts can also be a lengthy and complicated process for individuals living overseas who cannot access IRS's Online Self Help Tools. Furthermore, tax transcripts may be challenging for some taxpayers to request and obtain due to the coronavirus pandemic if individuals cannot access the IRS online system.

For the foregoing reasons, USCIS's proposal to require sponsors and household members to provide IRS-issued certified copies or transcripts of their Federal income tax returns for the 3 most recent taxable years should be withdrawn.

**c. The proposal to require all sponsors, joint sponsors, and household members to provide in-depth bank account information is not rationally supported by the rule and raises serious privacy concerns**

USCIS is proposing to amend its regulations to require U.S. citizens and lawful permanent residents sponsoring their spouse or relative for a green card to provide in-depth bank account information.[39] Specifically, sponsors, joint sponsors, and household members whose income and/or assets are being used by a sponsor to qualify, would be required to provide the name of the banking institution, the type of bank account, the bank account number, the routing number of the account, the account holder's name, and the name of any joint account holders.[40]

USCIS fails to provide any rational justification for the documentary burdens and invasion of privacy that will result from requiring all sponsors, joint sponsors, and household members, regardless of income, to provide in-depth bank account information. This information is unnecessary and irrelevant given that sponsors are already required to show that their income is at least 125 percent of the federal poverty line by submitting Federal income tax returns and other relevant documentation. In some limited circumstances where the sponsor is relying on assets, specifically money in a bank account, to satisfy the 125 percent of the federal poverty guidelines, sponsors are already required to provide evidence of those assets by submitting copies of bank statements. Even if a sponsor chooses to provide evidence of assets in a checking or savings account, the only probative evidence would be a copy of a bank statement showing the current balance, not the bank account number. The actual effect of such a requirement, rather than ensuring that the sponsor has sufficient income, is to intimidate persons who might be a sponsor or joint sponsor and discourage eligible applicants from the immigration benefits process. This is not a rational basis to support this new evidentiary requirement.

The collection of bank account information also raises serious privacy and security concerns. In an era where cybercrime, data breaches, and identity theft are on the rise and continue to pose a threat to the public, requiring all sponsors, joint sponsors, and household members, regardless of income, to disclose detailed bank account information, particularly when it is not relevant or necessary, exposes them to

[39] Proposed Rule, 85 Fed. Reg. at 62446.
[40] *Id.*

heightened risk of becoming victims of identity or financial crimes.[41] The inclusion of full bank account information could also invite financial fraud by anyone able to obtain a copy of the Form I-864, including sponsored former spouses as well as agency staff (who would no longer need to get a subpoena). USCIS has failed to address in its proposal how such private and sensitive financial information will be protected from potential data breaches.

For all these reasons, in-depth bank account information should not be required as part of the affidavit of support sponsorship requirement and should be withdrawn from USCIS's proposal.

### C. Conclusion

Family-based immigration is a cornerstone of the U.S. immigration system which promotes family reunification and unity, core American values. Immigrants sponsored by family members contribute to economic growth and development, facilitate assimilation, and fill critical roles in our society, such as caretakers and healthcare workers. By creating unnecessary and onerous evidentiary requirements on sponsors, joint sponsors, and household members executing Form I-864A, the proposed changes will have chilling effect on family immigration, undermining family unity, damaging our economy, and our local communities. For the reasons outlined above, AILA strongly opposes this proposed regulation and urges USCIS to withdraw it.

Respectfully submitted,

AMERICAN IMMIGRATION LAWYERS ASSOCIATION

[41] *See Hackers had a Banner Year in 2019*, FORTUNE (Jan. 28, 2020), https://fortune.com/2020/01/28/2019-data-breach-increases-hackers/ (noting that there were 1,473 data breaches in 2019, a 17% increase over 2018's 1,257 breaches).