

Table 3. Applicability of INA 212(a)(4) to Family-Based Adjustment of Status Applications²³⁸		
Category	Subject to INA 212(a)(4) and must file Form I-944, Declaration of Self-Sufficiency?*	INA 213A and Form I-864, Affidavit of Support Under Section 213A of the INA, Required or Exempt?
Amerasians, born in Vietnam between 1/1/62-1/1/76 Immediate Relative : AM-6, AR-6 Children Amerasians under Amerasian Homecoming Act, Pub. L. 100-202 (Dec. 22, 1987) ²⁴⁶ - born between 1/1/1962-1/1/1976	No. (I-360 and adjustment) Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, Pub. L. 100-202	Exempt. Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, Pub. L. 100-202
IW-6 Spouses, widows or widowers	Yes. INA 212(a)(4)	Exempt. 8 CFR 204.2 and 71 FR 35732.
Immediate Relative VAWA applicant, including spouses and children ²⁴⁷	No. INA 212(a)(4)(E)	Exempt. INA 212(a)(4)(E)
First Preference VAWA B-16 Unmarried sons/daughters of U.S. citizens, self-petitioning B-17 Children of B-16	No. INA 212(a)(4)(C)(i)	Exempt. INA 212(a)(4)(C)(i)
Second Preference VAWA applicant, including spouses and children ²⁴⁸	No. INA 212(a)(4)(C)(i)	Exempt. INA 212(a)(4)(C)(i)

²⁴⁶ Includes the following categories: AM-1 principal (born between 1/1/1962-1/1/1976); AM-2 Spouse, AM-3 child; AR-1 child of U.S. citizen born Cambodia, Korea, Laos, Thailand, Vietnam. Note that this program does not have a specific sunset date and technically applicants could apply but should have already applied.

²⁴⁷ Includes the following categories: IB-6 Spouses, self-petitioning; IB-7 Children, self-petitioning; IB-8 Children of IB-1 or IB-6; IB-0 Parents battered or abused, of U.S. citizens, self-petitioning.

²⁴⁸ Includes the following categories: B-26 Spouses of alien residents, subject to country limits, self-petitioning; BX-6 Spouses of alien residents, exempt from country limits, self-petitioning; B-27 Children of alien residents, subject to country limits, self-petitioning; BX-7 Children of alien residents, exempt from country limits, self-petitioning; BX-8 Children of BX-6, or BX-7, exempt from country limits; B-29 Unmarried sons/daughters of alien residents, subject to country limits, self-petitioning.

Table 3. Applicability of INA 212(a)(4) to Family-Based Adjustment of Status Applications²³⁸		
Category	Subject to INA 212(a)(4) and must file Form I-944, Declaration of Self-Sufficiency?*	INA 213A and Form I-864, Affidavit of Support Under Section 213A of the INA, Required or Exempt?
Third Preference VAWA Married son/daughters of U.S. citizen, including spouses and children ²⁴⁹	No. INA 212(a)(4)(C)(i)	Exempt. INA 212(a)(4)(C)(i)
* If found inadmissible based on the public charge ground, USCIS, at its discretion, may permit the alien to post a public charge bond (Form I-945). A public charge bond may be cancelled (Form I-356) upon the death, naturalization (or otherwise obtaining U.S. citizenship), permanent departure of the alien, or otherwise as outlined in proposed 8 CFR 213.1(g), if the alien did not receive any public benefits as defined in the proposed rule.		

Table 4. Applicability of INA 212(a)(4) to Employment-Based Adjustment of Status Applications²⁵⁰		
Category	Subject to INA 212(a)(4) and must file Form I-944, Declaration of Self-Sufficiency?*	INA 213A, and Form I-864, Affidavit of Support Under Section 213A of the INA, Required or Exempt?

²⁴⁹ Includes the following categories: B-36 Married sons/daughters of U.S. citizens, self-petitioning B-37 Spouses of B-36, adjustments; B-38 Children of B-36, subject to country limits; Third Preference VAWA; B-36 Married sons/daughters of U.S. citizens, self-petitioning; B-37 Spouses of B-36, adjustments B-38 Children of B-36, subject to country limits; Third Preference VAWA; B-37 Spouses of B-36, adjustments; B-38 Children of B-36, subject to country limits.

²⁵⁰ An alien who meets the conditions of new 8 CFR 212.23(a)(18), (19), (20), or (21) (e.g., certain T nonimmigrants, U nonimmigrants, and VAWA self-petitioners) are exempt from the public charge inadmissibility ground and the affidavit of support requirement, and therefore do not need to File Form I-944 or Form I-864 regardless of what category the alien adjusts under.