OMB No. 1115-0166

U.S. Department of Justice
Immigration and Naturalization Service

Application for Voluntary Departure under the Family Unity Program

Purpose.

This form is used to apply for Voluntary Departure under the Family Unity Program based on being the spouse or child of a "legalized alien." A legalized alien is a temporary or permanent resident adjusted under sections 210, or 245A of the Immigration and Nationality Act, or a permanent resident adjusted under Section 202 of the Immigration Reform and Control Act of 1986 (Cuban/Haitian Adjustment).

Who May File.

Each person must file a separate application. You may file this application if you entered the United States before May 5, 1988, and have resided in the United States since that date, and since May 5, 1988 you have been, and remain, either:

- the spouse of a legalized alien; or
- the unmarried child under the age of 21 of a legalized alien, except that you are ineligible if you are an adopted child and the adoption took place after you became 16 years old, or you were not in the legal custody and living with the adoptive parent(s) for at least two years on May 5, 1988. You are also ineligible if you are a stepchild and the marriage that created this relationship took place after you became 18 years old.

General Filing Instructions.

Please answer all questions by typing or clearly printing in black ink. Indicate that an item is not applicable with "N/A." If an answer to a question is "none," write "none." If you need extra space to answer any item, attach a sheet of paper with your name and your A#, if any, and indicate the number of the item to which the answer refers. You must file your application with the required Initial Evidence. Your application must be properly signed and filed with the correct fee.

Initial Evidence.

Evidence you entered the United States before May 5, 1988. File your application with copies of evidence demonstrating the date of your entry, such as:

- your passport;
- your Form I-94, Nonimmigrant Arrival-Departure Record;
- Copies of residency documents, specified below.

Evidence you have resided in the U.S. since May 5, 1988. File your application with copies of at least 3 of the following:

- Employment records, such as pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, state verification of the filing of state income tax returns, letters from employer(s) or, if you are self employed, letters from banks and other firms with whom you have done business. In all of the above, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters from employers must be in affidavit form, and must be signed and attested to by the employer under penalty of perjury. Such letters must include:
  - your address(es) at the time of employment;
  - the exact period(s) of employment, including the dates of any layoffs and:
  - your duties with the company.

  If these records are unavailable, the employer's affidavit stating that your employment records are unavailable and why they are unavailable may be submitted. This affidavit shall be signed and attested to by the employer under penalty of perjury.
- Rent receipts, utility bills (gas, electric, phone, etc.), receipts, or letters from companies showing the dates during which you received service.
- School records (letters, report cards, etc.) from the schools you or your children have attended in the United States, which show the name of the school and periods of school attendance.
- Hospital or medical records showing treatment or hospitalization of you or your children, which show the name of the medical facility or physician and the date(s) of the treatment or hospitalization.
- Attestations by churches, unions, or other organizations to your residence by letter which:
  - identify you by name;
  - are signed by an official (whose title is shown);
  - show inclusive dates of membership;
  - state the address where you resided during membership period;
  - include the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationery;
  - establish how the author knows you; and
  - establish the origin of the information being attested to.
- Any other relevant documents, such as money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; bank books with dated transactions; correspondence between you and another person or organization; Social Security card; Selective Service card, automobile license receipts, title, vehicle registration; deeds, mortgages, contracts to which you have been a party; tax receipts; insurance policies, receipts, or letters.

Evidence you are the spouse or unmarried child of a legalized alien. You must file your application with a copy of the document issued by the Service to your spouse or parent granting legalized status (examples are: Form I-688, Temporary Resident Card, Form I-94 reflecting temporary proof of lawful permanent residence, or Form I-551, Alien Registration Receipt Card). You must also file your application with the following:

- **If you are the legalized alien's spouse**, file your application with:
  - a copy of your marriage certificate; and
  - if either you or your spouse were married before, file copies of documents to show that any prior marriage was legally ended.
- **If you are the legalized alien's unmarried child and are under 21 years of age,** file your application with a copy of your birth certificate showing your parent(s) names and:
  - if you are the legitimate child of your legalized alien father or stepparent, file a copy of the certificate of marriage of your parents and copies of proof of the legal termination of their prior marriages;
  - if you are the legitimated child of your legalized alien father, file copies of evidence of the legitimation, which must have occurred prior to your eighteenth birthday, and copies of proof of the legal termination of your parent's prior marriages if legitimation resulted from your natural parents' marriage to each other;
  - if you are a child born out-of-wedlock of a legalized alien who purports to be your father, file copies of evidence to show that your father is your natural father and that a bona fide parent-child relationship exists or did exist while you are or were unmarried and under twenty-one (21) years of age. Such a relationship exists or has existed where your father shows, or has shown, an active concern for your support, instruction, and general welfare. Evidence to show that your father is your natural parent may include, but is not limited to the following: a copy of your birth certificate or religious document relating to your birth or baptism; copies of local civil records; affidavits from knowledgeable witnesses, and/or; copies of evidence of your financial support by your putative father.
  - if you are the child of a legalized alien adoptive parent, file a certified copy of your adoption decree showing that you were adopted while under the age of 16 years, 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 parent have lived together.

Fingerprint Cards. If you are age 14 or older, you must be fingerprinted in connection with this application. After filing the application, INS will notify you in writing of the time and location where you must go to be fingerprinted. Failure to appear to be fingerprinted may result in denial of the application.

Photos. You must submit 2 identical natural color photographs of yourself taken within 30 days of this application. The photos must have a white background, be unmounted, printed on thin paper, and be glossy and unretouched. They should show a three-quarter frontal profile showing the right side of your face, with your right ear visible and with your head bare (unless you are wearing a headdress as required by a religious order of which you are a member).

The photos should be no larger than 2 X 2 inches, with the distance from the top of the head to just below the chin about 1 and 1/4 inches. Lightly print your A# on the back of each photo with a pencil.

General Evidence.

Change of name. If either you or the legalized alien are using a name other than that shown on the relevant documents, you must file your application with copies of the legal documents that made the change, such as a marriage certificate, adoption decree or court order.

Secondary Evidence. All of the documents listed in "INITIAL EVIDENCE" should be issued by the civil registrar, vital statistics office, or other civil authority. If such documents are unavailable, you must file your petition with original evidence from those authorities to establish that all primary evidence is unavailable, and must also submit secondary evidence to establish the facts in question. Submit as many types of secondary evidence as possible to verify the claimed relationship. Listed below are some types of secondary evidence. Any evidence submitted must contain enough information (birth dates, parents' names, etc.) to establish the event you are trying to prove.

- Baptismal certificate. A certificate under the seal of the church where the baptism occurred within two months after birth showing date and place of the child's birth, date of baptism, and the names of the child's parents.
- School record. A letter from the school authorities having jurisdiction over school attended (preferably the first school), showing the date of admission to the school, child's date of birth or age at that time, place of birth, and the names and places of birth of parents, if shown in the school records.
- Census record. State or federal census record showing the name(s) and place(s) of birth, and date(s) of birth or age(s) of the person(s) listed.

If all forms of primary and secondary evidence are unavailable, you must file your petition with original evidence to establish such unavailability, and also submit at least 2 affidavits sworn to, or affirmed, by persons who were living at the time, and have direct personal knowledge of the event you are trying to prove (date and place of birth, marriage, death, etc.). These persons may be relatives and need not be citizens of the United States. Each affidavit should give the person's full name and address, date and place of birth, and any relationship to you. Each affidavit must also fully describe the circumstances or event in question, and fully explain how how he or she acquired knowledge of the event.

Translations. Any foreign language document must be accompanied by a full English translation which the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. If these instructions state that a copy of a document may be filed with this application, and you choose to send us the original, we may keep that original for our records.

Where To File.

If you live in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, the Virgin Islands, Virginia, or West Virginia, mail your application to: USINS Eastern Service Center, 75 Lower Welden Street, St. Albans, VT 05479-0001.

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail your application to: USINS Southern Service Center, P.O. Box 152122, Dept. A, Irving, TX 75015-2122.

If you live in Arizona, California, Guam, Hawaii, or Nevada, mail your application to: USINS Western Service Center, P.O. Box 30040, Laguna Niguel, CA 92607-0040.

If you live elsewhere in the U.S., mail your application to: USINS Northern Service Center, 100 Centennial Mall North, Room, B-26, Lincoln, NE 68508.

Fee.

The fee for this application is $120.00. If you are age 14 or older, there is a $25 fingerprinting fee in addition to the application fee, for a total fee of $145. You may submit one check or money order for both the application and fingerprinting fees.

Fees must be submitted in the exact amount. Fees cannot be refunded. All checks and money orders must be drawn on a bank or other institution located in the United States and must be payable in United States currency. The check or money order should be made payable to the Immigration and Naturalization Service, except that:

- If you live in Guam, and are filing this application in Guam, make your check or money order payable to the "Treasurer, Guam."
- If you live in the Virgin Islands, and are filing this application in the Virgin Islands, make your check or money order payable to the "Commissioner of Finance of the Virgin Islands."

Checks are accepted subject to collection. An uncollected check will render the application and any document issued invalid. A charge of $30.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

Processing Information.

Rejection. Any application that is not signed or is not accompanied by the correct fee will be rejected with a notice that it is deficient. You may correct the deficiency and resubmit the application. However, an application is not considered properly filed until accepted by the Service. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your application.

Initial processing. Once the application has been accepted, it will be checked for completeness, including submission of the required initial evidence.

Requests for more information or interview. We may request more information or evidence or we may request that you appear at an INS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. You will be notified in writing of the decision on your application. If your application is approved, you will be issued evidence of your Voluntary Departure Status.

If your application is denied, your case will be referred to the INS office that has jurisdiction over your place of residence, for consideration of whether to issue an Order to Show Cause as to why you should not be deported from the United States. Your case will not be referred for at least 60 days after the date the denial of this application to allow you to file another I-817 application if you feel that the denial can be overcome.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit. In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit you are filing for. Our legal right to ask for this information is in 8 USC 1154. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your application.

Paperwork Reduction Act Notice.

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application is as follows: (1) **25** minutes to learn about the law and form; (2) **1** hour to complete the form; and (3) **1** hour and **10** minutes to assemble and file the petition; for a total estimated average of 2 **hours and 35 minutes** per petition. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Immigration and Naturalization Service, 425 I Street, N.W., Room 5307, Washington, D.C. 20536; OMB No. 1115-0166, **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

OMB No. 1115-0166

U.S. Department of Justice
Immigration and Naturalization Service

Application for Voluntary Departure Under the Family Unity Program

START HERE - Please Type or Print

PART 1. Information about you, the applicant for Family Unity Benefits

Family Name	Given Name	Middle Initial

Address - C/O

Street		Apt. #
City	State	Zip Code

Date of Birth (month/day/year)	Country of Birth
Social Security # *(If any)*	A# *(If any)*
Date of Arrival month/day/year	I-94# *(If any)*
Current Immigration Status	Expires on (month/day/year)

Part 2. Type of Application.

1. Relationship to a legalized alien *(check one)*:
   a. ☐ I am the spouse of a legalized alien and have been married to him or her since at least May 5, 1988.
   b. ☐ I am the unmarried child of a legalized alien and this relationship was established before May 5, 1988.

2. I am applying for *(check one)*:
   a. ☐ Initial voluntary departure under the Family Unity Program.
   b. ☐ An extension of voluntary departure granted under the Family Unity Program.

Part 3. Information about the legalized alien you are related to.

Family Name	Given Name	Middle Initial

Address - C/O

Street Number and Name		Apt. #
City	State	Zip Code

Date of Birth (month/day/year)	Country of Birth
Social Security #	A#

Part 4. Processing Information.

A. If separate applications for Family Unity benefits are also being submitted for other relatives, give names of each and list relationship. _____

B. Have you ever applied for Family Unity benefits before? ☐ Yes ☐ No

C. If "Yes", give name under which you applied, place and date of filing, #A assigned, and result.

_____

Continued on back.

FOR INS USE ONLY

	Receipt
Returned	
Resubmitted	
Reloc Sent	
Reloc Rec'd	

Remarks

Action Block

To Be Completed by *Attorney* or *Representative*, if any

☐ Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

Part 4. Processing Information *(con't)*.

D. Have you ever been in exclusion or deportation proceedings? ☐ No ☐ Yes. If yes, explain on a separate sheet, including where and when the proceedings took place.

E. Address where you resided in the United States on May 5, 1988

Street	Apt. #	City	State	Zip Code

F. Answer the following. If your answer is **yes** to any question, explain in detail on a separate sheet.

1. Have you ever, in or outside the U. S.:
   a. knowingly committed a crime for which you have not been arrested? ☐ Yes ☐ No
   b. been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? ☐ Yes ☐ No
   c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☐ No
2. Have you been convicted of any felony or 3 or more misdemeanors committed in the United States? ☐ Yes ☐ No
3. Have you ever exercised diplomatic immunity to avoid prosecution for a criminal offense in the U. S.? ☐ Yes ☐ No
4. Have you received public assistance from any source, including the U.S. government or any state, county, city, or municipality; or are you likely to request public assistance in the future? ☐ Yes ☐ No
5. Do you have, or have you ever had, a mental or physical disorder which does or may pose a threat to yourself or others? ☐ Yes ☐ No
6. Have you ever:
   a. practiced polygamy or plan to practice polygamy? ☐ Yes ☐ No
   b. within the past 10 years been a prostitute or procured anyone for prostitution, or intend to engage in such activities? ☐ Yes ☐ No
   c. engaged in any unlawful commercialized vice, including, but not limited to, gambling? ☐ Yes ☐ No
   d. knowingly encouraged, induced, assisted, abetted or aided, any alien to try to enter the U.S. illegally? ☐ Yes ☐ No
   e. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☐ No
7. Have you ever engaged in, conspired to engage in, or intend to engage in, or ever solicited membership or funds for, or through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in:
   a. sabotage, espionage, hijacking, or any other form of terrorist activity? ☐ Yes ☐ No
   b. any activity a purpose of which is opposition to, or the control of overthrow of, the Government of the United States, by force, violence or other unlawful means? ☐ Yes ☐ No
   c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? ☐ Yes ☐ No
8. Have you ever been, a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? ☐ Yes ☐ No
9. Did you, during the period March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? ☐ Yes ☐ No
10. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, national origin or political opinion? ☐ Yes ☐ No
11. Have you ever been excluded from the U.S. within the past year, ever been deported from the U.S., or ever been removed from the U.S. at government expense, or are you now in exclusion or deportation proceedings? ☐ Yes ☐ No
12. Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents, or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit? ☐ Yes ☐ No
13. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☐ No

Continued on back

Part 4. Processing Information *(con't)*.

14. Have you ever been a J nonimmigrant exchange visitor who was subject to the 2 year foreign residence requirement and not yet complied with that requirement? ☐ Yes ☐ No

15. Are you now withholding custody of a child outside the U.S. from a person granted custody of the child? ☐ Yes ☐ No

Part 5. Complete only if legalized alien is your spouse.

Section 1. *Additional Information about you, the applicant.*

Home Phone ( ) | Work Phone ( )

List all other names used (i.e. maiden name, aliases)

Sex: ☐ Male ☐ Female | Number of Prior Marriages: _____

Section 2. *Additional Information about your legalized alien spouse.*

Home Phone of Legalized Alien ( ) | Work Phone of Legalized Alien ( )

List all other names used (i.e. maiden name, aliases)

Sex: ☐ Male ☐ Female | Number of Prior Marriages: _____

Section 3. *Information about your marriage.*

We were married on: *(date)* / / | We were married in *(City, U.S. State or Country)*

Type of Ceremony: ☐ Religious ☐ Civil ☐ None | We are: ☐ Now living together ☐ Not living together

We are or intend to: *(Check one)*

- ☐ Live together in a home or apartment
- ☐ Live together with my family
- ☐ Live together with my spouse's family
- ☐ Live together with non-relatives
- ☐ Live separately from each other

We have the following Joint Financial Assets or Contracts: *(Check one)*

- ☐ Checking and/or Savings account
- ☐ Lease for apartment we occupy
- ☐ Mortgage for home we occupy
- ☐ Credit cards
- ☐ Consumer Loans

List three people (such as relatives, friends neighbors, co-workers, or employers) who know of your relationship:

1.	Name	Relationship	How long known
	Address		Phone number
2.	Name	Relationship	How long known
	Address		Phone number
3.	Name	Relationship	How long known
	Address		Phone number

Continued on back

Part 6. Complete only if you are the child of a legalized alien.

Sex: ☐ Male ☐ Female | Are you married? ☐ Yes ☐ No

My legalized alien parent is my: *(check one)*

☐ biological mother

☐ biological father who was married to my mother when I was born

☐ biological father who was not married to my mother when I was born

☐ adoptive parent:

1. Did the adoption occur before your 16th birthday? ☐ Yes ☐ No
2. Did your parent have custody of you for at least 2-years after the adoption? ☐ Yes ☐ No
3. Did you live with your parent for at least 2 years after the adoption? ☐ Yes ☐ No

☐ stepparent based on marriage to my parent which occurred before my 18th birthday.

☐ parent based on circumstances not described above *(explain in detail on separate paper).*

Part 7. Signature. *(Read the information on penalties in the instructions before completing this part. You must file this application while in the United States.)*

I certify under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking

Signature **Print Your Name** ***Date***

Address

Part 8. Signature of person preparing form if other than above. *(Sign Below)*

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature **Print Your Name** ***Date*** ***Day time Phone Number***

Firm Name
and Address