

Sponsoring US green card for parents to get tougher

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Lubna Kably | TNN | Updated: Oct 9, 2018, 06:22 IST

Highlights

- A draft proposal makes it mandatory for those filing for a status change to green card to submit a proposed new form
- This enables authorities to collate a plethora of data such as age, English proficiency, financial status, etc
- Immigration officials will have discretion to deny green cards to those with income below 250% of poverty guidelines



MUMBAI: A draft proposal of the Trump administration, dealing with 'public charge', is heavily skewed in favour of the wealthy when it comes to issuing green cards to those already in the United States (or in more technical terms, those applying for a change in status). Contrary to popular perception, several Indians, especially parents of those who are now US citizens would be adversely impacted.

The proposal makes it mandatory for those filing for a status change to green card to submit the proposed new Form I-944. This enables authorities to collate a plethora of data, ranging from age, English proficiency, financial status, educational qualification, job profile to name a few, all of which enable immigration authorities to determine if the application should be denied on grounds of public charge.

RULES SET TO CHANGE

NOW	PROPOSED
<ul style="list-style-type: none"> ➤ Typically a son or daughter, who is now a US citizen, sponsors the parents 	<ul style="list-style-type: none"> ➤ An affidavit of support is only one of the factors that will be considered in determining green card applications
<ul style="list-style-type: none"> ➤ An affidavit of support has to be submitted – a minimum financial standing of 125% of federal poverty guidelines (or \$ 42,175 for a six member household) is required 	<ul style="list-style-type: none"> ➤ Income or financial standing of above 250% of FPG is required (or \$84,350 for a six member family) ➤ Factors such as age (over 60 years), lack of proficiency in English, medical conditions etc could lead to denial of the application



To illustrate, US immigration officials will have discretion to deny green cards to those with income or financial assets below 250% of federal poverty guidelines (FPG, which is \$41,150 for a family of two or \$84,350 for a six member family).

Nearly 25% of recent immigrants from India (who migrated between fiscal years 2014-16) have income below the 250% threshold. The percentage of green cards obtained via family sponsorship is high, which means the draft proposal will dent family immigration. Of the 64,687 green cards allotted to Indians during the fiscal year 2016 (year ended September 30, 2016), 65% were obtained under the family sponsorship route, states Migration Policy Institute (MPI) an independent think tank, in its research report. The wide discretion available to immigration officials in the draft proposal could alter family immigration flows, it adds.

According to immigration experts, Indian parents are expected to be the worst-hit by the draft proposal. Current rules call for green card applicants to have a financial sponsor – typically for parents, it is the son or daughter who has obtained US citizenship. The sponsor needs to declare his or her willingness and ability to support the parents to prevent them from becoming a public charge. The minimum income for this purpose is currently pegged at is 125% of the FPG or \$20,575 for a family of two and \$ 42,175 for a six-member family.

“The proposal considers an affidavit of support to be only one of the relevant factors in the totality of circumstances, as opposed to being pretty much the final determinant under the current system,” Rajiv S. Khanna, managing attorney at Immigration.com told TOI. “Many of the negative factors postulated by the regulations would apply to parents, say age above 60 years, lack of proficiency in English, health issues, no credit history and small likelihood of finding employment. Parents could face denial of green card application on these criteria,” adds Khanna.

Cyrus Mehta, founding parent of a law firm, views that an affidavit of support, backed by strong income of the sponsor, may help navigate some challenges. For instance, if the parent has a chronic health condition, private insurance coverage or proof that it can be afforded could help in approval of the application.

The proposal requires only those individuals (including parents) who are already in the US and applying to change to a green card to file Form I-944. However, Khanna adds, "It is certain that substantially the same form will be developed for people applying for green card from outside US."

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