U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Camp Springs, MD 20588-0009

U.S. Citizenship and Immigration Services

November 4, 2026 PM-602-0201

Policy Memorandum

SUBJECT: Good Moral Character Determination: Failure to Support Dependents, Public Benefits, and Sponsorship through Affidavit or Declaration of Support

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing guidance on the evaluation of good moral character (GMC) when adjudicating Form N-400, Application for Naturalization, when the alien has willfully failed to support his or her dependents; unlawfully obtained or helped his or her dependents unlawfully obtain public benefits; failed to comply with obligations on an Affidavit of Support Under Section 213A of the INA (Form I-864 or Form I-864EZ), Contract Between Supporter and Household Member (Form I-864A), Declaration of Financial Support (Form I-134), or the Online Request to be a Supporter and Declaration of Financial Support (Form I-134A); or received means-tested public benefits due to a reason that is identified by average citizens of the community as intentional avoidance of self-sufficiency.[1]

Authority

- INA 101(f) – Good moral character definition
- INA 213A – Requirements for a Sponsor's Affidavit of Support
- INA 316; 8 CFR 316.10 – General naturalization requirements

Background

Good Moral Character

An alien applying for naturalization must establish GMC during the relevant statutory period.[2] An alien may be found to lack GMC if he or she has committed a crime involving moral turpitude (CIMT) or other unlawful act that adversely reflects on his or her moral character.[3] Courts have long held that a crime involving fraud or material misrepresentation qualifies as a crime involving

[1] On January 28, 2025, USCIS announced that it has paused acceptance of Form I-134A. See Update on Form I-134A.
[2] See INA 316(a). See 8 CFR. 316.10(a)(1) and 8 CFR 316.2(b) (the alien must demonstrate he or she is a person of good moral character by a preponderance of the evidence).
[3] See 8 CFR 316.10(b).

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moral turpitude CIMT.[4] In addition, absent extenuating circumstances, willful failure or refusal to support one's dependents precludes a finding of GMC.[5] Finally, while lawful receipt of means-tested public benefits is not a bar to GMC, receiving means-tested public benefits due to a reason that is identified by average citizens of the community as intentional avoidance of self-sufficiency may be viewed as adverse to GMC. When evaluating means-tested public benefits-related conduct, officers must conduct an individualized analysis weighing all relevant factors.

Sections 101(f)(1) through (9) of the INA identify specific types of conduct that automatically prevent a person from demonstrating GMC. In addition to these eight enumerated categories the statute includes a "catch-all clause" which allows USCIS to determine the alien may lack GMC even if he or she does not fit within the listed categories.[6] GMC is assessed according to the moral standards of average citizens in the community.[7] Therefore, any conduct or act that violates these accepted community[8] standards may be considered regardless of whether the alien has been arrested or convicted of an offense.

Financial Support Forms (Form I-864, Form I-864EZ, Form I-864A, Form I-134, and I-134A)

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) created the requirement for a legally enforceable Affidavit of Support Under Section 213A of the INA (Form I-864 or Form I-864EZ) to reduce the potential for an intending immigrant to become a public charge.[9] The Form I-864/Form I-864EZ is a legally enforceable contract that a U.S. citizen, U.S. national, or lawful permanent resident (LPR) signs to provide support to maintain the sponsored alien,[10] usually a relative, at an annual income that is not less than 125 percent of the federal poverty line during the period of enforceability.[11] In some cases, when a sponsor's income and assets do not meet the income threshold, a member of the sponsor's household may sign and complete a Contract Between Sponsor and Household Member (Form I-864A) in which the household member agrees to combine his or her income or assets with the income and assets of a sponsor to meet the requirements.[12] The household member is jointly and severally liable for the support obligation for the period of enforceability.[13]

Additionally, certain aliens seeking parole, change of status, or extension of stay as a nonimmigrant must have a Declaration of Financial Support (Form I-134) executed on their behalf in which the

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[4] See *Matter of Pinzon*, 26 I&N Dec. 189, 193 (BIA 2013) ("We have long held that crimes involving fraud or making false statements involve moral turpitude. Moreover, an offense that involves impairing or obstructing a function of the Government by deceit, graft, trickery, or dishonest means is a crime involving moral turpitude.") (internal citations omitted). See *Jordan v. De George*, 341 U.S. 223, 232 (1951) (stating that "crimes in which fraud was an ingredient have always been regarded as involving moral turpitude.").
[5] See 8 CFR 316.10(b)(3)(i).
[6] See INA 101(f).
[7] See 8 CFR 316.10(a). See *Matter of Sanchez-Linn*, 20 I&N Dec. 362 (BIA 1991) (quoting *Matter of B-*, 1 I&N Dec. 611 (BIA 1943)) ("[W]e have long held that good moral character does not mean moral excellence and that it is not destroyed by a single lapse.") See *Matter of B-*, 1 I&N Dec 611 (BIA 1943) (good moral character "is a concept of a person's natural worth derived from the sum total of all his actions in the community").
[8] See 8 CFR 316.10(a)(2). See *In re Mogus*, 73 F.Supp. 150 (W.D. Pa. 1947) (moral standard of average citizen).
[9] See Title V, Subtitle C of Pub. L. 104-208, 110 Stat. 3009, 3009-675 (September 30, 1996).
[10] See INA 213A.
[11] INA 213A(a)(1)(A). INA 213A(f)(3).
[12] 8 CFR 213a.2(c)(2)(i)(C)(1).
[13] 8 CFR 213a.2(c)(2)(i)(C)(2).

supporter agreed to financially support the alien for the duration of their temporary stay in the United States.[14] Aliens who sought parole under certain categorical parole programs were required to have an Online Request to be a Supporter and Declaration of Financial Support (Form I-134A) submitted on their behalf in which the potential supporter agreed to support the alien for the duration of their parole in the United States.[15]

Guidance

USCIS will conduct a review of whether an alien has willfully failed to support his or her dependents, failed to comply with obligations on Form I-864, Form I-864EZ, Form I-864A, Form I-134, or Form I-134A while those obligations were in effect, unlawfully obtained or helped his or her dependents unlawfully obtain public benefits, or received means-tested public benefit due to a reason that is identified by average citizens of the community as intentional avoidance of self-sufficiency.

An alien or U.S. national seeking naturalization may be found to lack GMC if he or she has:

- Willfully failed or refused to support dependents;[16]
- Been convicted of or admitted to committing an offense involving fraud or deception in the solicitation, receipt, or use of any public benefits;[17]
- Committed an offense involving fraud or deception in the solicitation, receipt, or use of any public benefits;[18]
- Failed to comply with obligations on Form I-864, Form I-864EZ, or Form I-864A during the period of enforceability;[19]
- Failed to comply with obligations on Form I-134 or Form I-134A while the obligations were in effect; or
- Received means-tested public benefits due to a reason that is identified by average citizens of the community as intentionally avoiding self-sufficiency.[20]

[14] See Instructions for Declaration of Support (Form I-134).
[15] See 89 FR 14674 (Feb. 28, 2024).
[16] See INA 101(f). See 8 CFR 316.10(b)(3)(i). Failure to support dependents is a conditional bar to naturalization.
[17] A conviction or admission for fraud or similar offense would be considered a CIMT and a conditional bar to naturalization. See 8 CFR 316.10(b)(2)(i), 8 CFR 316.10(b)(2)(iv). A conviction or admission involving receipt of public benefits through fraud may also be considered a CIMT if it involves fraud against the government or an individual.
[18] See INA 101(f). See 8 CFR 316.10(b)(3)(iii).
[19] See INA 213A(a)(2); 8 CFR 213a.2(d) and (e). The means-tested income criteria for certain means-tested public benefits may be higher than the requirements under Form I-864. Therefore, a sponsor may still have met his or her obligation if the alien receives a public benefit.
[20] See 8 U.S.C. § 1601 (codifying the longstanding self-sufficiency policy of the United States).

Willful Failure to Support Dependents

Willful failure to support dependents[21] during the statutory period is a conditional bar to GMC.[22] Unless the alien establishes extenuating circumstances,[23] an alien lacks GMC for failure to support dependents[24] when he or she deserts a minor child,[25] fails to pay any support for a dependent,[26] or pays a clearly insufficient amount for the dependent inconsistent with the court order or community standards if there is no court order.[27] Even if there is no court-ordered child support, courts have concluded that parents have a moral and legal obligation to provide support for their minor children, and a willful failure to provide such support demonstrates that the individual lacks GMC.[28]

Further, depending on the circumstances, receipt of means-tested public benefits by a dependent of an alien applying for naturalization may be evidence that the alien has failed to support the dependent. While the receipt of public benefits by an alien's dependent does not automatically bar naturalization,[29] the reliance on means-tested public benefits by dependents can, depending on the circumstances, demonstrate a failure to fulfill or meet the alien's legal and moral responsibilities and may be found inconsistent with the standards of conduct expected of U.S. citizens.

Failure to Fulfill Support Obligations (Form I-864, Form I-864EZ, Form I-134, and Form I-134A)

When an individual executes a Form I-864/Form I-864EZ or completes and signs a Form I-864A to sponsor an alien, the sponsor and any household members who sign are legally required to provide financial support to the sponsored alien once the alien becomes a lawful permanent resident. The financial support is required for the duration of the support obligation. Similarly, by signing and submitting the Form I-134 or Form I-134A,[30] the supporter commits to financially support the alien named on the form for the duration of the alien's temporary stay in the United States. If a sponsor or supporter fails to fulfill these financial obligations, especially if the sponsored alien receives means-tested public benefits during the period of enforceability, this may be considered a negative

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[21] See 8 CFR 316.10(b)(3)(i). See, for example, *Dos Reis v. McCleary*, 200 F. Supp 3d 291 (D. Mass. 2016) (alien was found guilty of contempt for willfully neglecting and refusing to pay child support twice, and his financial statements showing inability to pay were discredited in light of fact that he owned his own business, had boarders who paid rent, purchased property in Brazil and made six trips to Brazil and one to Mexico during time period that he had child support obligations).
[22] See 8 CFR 316.10(b)(3)(i).
[23] See 8 CFR 316.10(b)(3)(i). See Hague Convention on the International Recovery of Child Support.
[24] An alien can have a dependent who is an adult or who is not the alien's son or daughter.
[25] See *United States. v. Harrison*, 180 F.2d 981 (9th Cir. 1950).
[26] See *In re Malaszenko*, 204 F.Supp. 744 (D. N.J. 1962). See *In re Mogus*, 73 F.Supp. 150 (W.D. Pa. 1947). This includes consideration of whether the alien has complied with his or her child support obligations in the United States or abroad in cases where it is relevant. See Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.
[27] See *In re Halas*, 274 F.Supp. 604 (E.D. Pa. 1967). See *Petition of Dobric*, 189 F.Supp. 638 (D. Minn. 1960).
[28] See *Brukiewicz v. Savoretti*, 211 F.2d 541 (5th Cir. 1954). See *Petition of Perdiak*, 162 F.Supp. 76 (S.D. Cal. 1958). See *Petition of Dobric*, 189 F.Supp. 638 (D. Minn. 1960). See *In re Malaszenko*, 204 F.Supp. 744 (D.N.J. 1962) (and cases cited). See *In re Huymaier*, 345 F.Supp. 339 (E.D. Pa. 1972). See *In re Valad*, 465 F.Supp. 120 (E.D. Va. 1979).
[29] See *Weber v. U.S.,* 119 F.2d 932 (9th Cir.1941) (Indigency, in and of itself, is not a bar to naturalization).
[30] Although there is no statutory support obligation related to Form I-134 and the Form I-134A, in signing and submitting the supporter still commits to financial support the alien and any willful failure to do so weighs against community standards and therefore against an alien's moral character.

factor when assessing the GMC of a sponsor, household member who completed and signed a Form I-864A, or supporter in the totality of the circumstances.

Public Benefits Fraud

Receiving public benefits (whether means-tested or not) does not, by itself, prevent an alien from qualifying for naturalization.[31] However, fraud or deception in the applying for or receiving such benefits may constitute a CIMT or an unlawful act during the statutory period for which GMC is required.[32] Even without a conviction or admission, fraud or deception in obtaining these benefits may preclude the alien from establishing GMC[33] and if the misconduct occurred outside the statutory period, it may be considered a negative factor in the totality of circumstances GMC determination.[34]

For example, if a sponsored alien fails to inform the benefit granting agency about the sponsor's or household member's support obligation, as applicable under the law, that omission may be considered misconduct and count as a negative factor in the totality of the circumstances GMC evaluation.[35] Additional fraud related to public benefits may include the following:

- Fraudulent applications for any public benefits – including submitting false information about income, household size, or other qualifying information;
- Unauthorized receipt of a public benefit or receipt of public benefits when ineligible;
- Failure to report disqualifying changes in circumstances;[36]
- Use of multiple identities or identity documents conveying multiple identities in connection with the solicitation or receipt of public benefits.

Intentional Avoidance of Self-Sufficiency

In 1996, Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA),[37] which codified the nation's longstanding self-sufficiency policies. PRWORA states that aliens inside the United States should rely on their own capabilities and the resources of their families, sponsors, and private organizations rather than depend on public resources.[38] The longstanding national policies in PRWORA inform what average citizens expect regarding GMC in naturalization cases.

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[31] See *Weber v. U.S.,* 119 F.2d 932 (1941) (Indigency, in and of itself, is not a bar to naturalization).
[32] See 8 CFR 316.10(b).
[33] See 8 CFR 316.10(b).
[34] See INA 316(e). See 8 CFR 316.10(a)(2). USCIS may consider conduct outside the statutory period if the conduct of the applicant during the statutory period does not reflect that there has been reform of character from an earlier period or if the earlier conduct and acts appear relevant to a determination of the applicant's present moral character.
[35] See, for example, *Anita Burke Austin*, Sup. Ct., N.J., App. Div., No. A3067-73 (1975) (unreported) (alien who obtained welfare benefits, while failing to fully disclose to the authorities her assets and income, and support payments from her former husband, or her true marital status was held to have failed to show GMC).
[36] This includes failure to inform public benefit granting agencies of extended travel outside the United States that could affect continuing eligibility of public benefits. For example, to receive Supplemental Security Income (SSI) the recipient must be physically present in the United States. See Social Security Program Operations Manual TN 89.
[37] See 8 U.S.C. § 1601.
[38] See the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), codified at 8 U.S.C. § 1601.

PRWORA is not the only source of community standards. Other statutes, regulations, and case law that express the prevailing societal norms inform community standards.[39] For example, an alien who, upon being informed of eligibility for food assistance or housing subsidies, discontinues working or significantly reduces hours for the purpose of maintaining eligibility thresholds — rather than for any legitimate personal or medical reason — is acting contrary to the prevailing societal norms of self-sufficiency and expectation of honesty in reporting income for public benefits. Following an individualized analysis, an officer may conclude that this conduct is inconsistent with "the standards of the average citizen in the community of residence" as required by 8 CFR 316.10(a)(2), and therefore may support an adverse GMC finding under the regulatory framework. If, after individualized analysis, the applicant's conduct is inconsistent with the "generally accepted moral conventions of the community," it may be adverse to GMC.[40] As such, consistent with INA 101(f)'s "catch all" clause, officers may consider means-tested public benefits-related conduct, including technically lawful conduct, when it appears contrary to those community standards.

However, lawful receipt of public benefits is neither a bar to naturalization nor always considered as a negative factor in the totality of the circumstances. When evaluating means-tested public benefits-related conduct, officers must conduct an individualized, case-by-case, totality of the circumstances analysis, including the reason for benefit use, alien's efforts towards self-sufficiency, and other evidence of rehabilitation and positive contributions. Any adverse GMC finding based on means-tested public benefits-related conduct must be tied to specific conduct that does not measure up to the moral standards of average citizens in the community, rather than poverty, disability, or lawful benefit receipt.[41]

Thus, an applicant who intentionally limits work to maintain eligibility for means-tested benefits, while avoiding self-sufficiency, may be acting contrary to the way "average [people] of good will act."[42] Deliberate dependency, even if technically lawful, can be viewed as morally objectionable if it violates the community's expectation of self-reliance and responsible use of public resources — but only after individualized analysis and never as an automatic disqualifier. Contrarily, in a community where laws provide for added means-tested public benefits or in communities where the majority of the residents receive means-tested public benefits, the alien may have met the community standard, and the alien's receipt of means-tested public benefits would not adversely reflect on his or her GMC.

Implementation

[39] See e.g. 7 CFR § 273.7 (providing that able-bodied adults without dependents must work at least 20 hours per week or participate in qualifying programs to receive SNAP benefits beyond three months in a 36-month period); *Puciaty v. U.S. Dept. of Justice, I.N.S.*, 125 F.Supp.2d 1035 (D. Hawai'i 2000), (holding that failure to pay or set aside a civil judgment did not automatically preclude a finding of GMC for naturalization, emphasizing that community standards are shaped by societal norms—such as the expectation that average Hawai'i residents would not travel thousands of miles to Chicago for a hearing on a default judgment they believe is wrongly imposed and not pursued).
[40] See *Matter of Castillo-Perez*, 27 I&N Dec. 664, 669 (A.G. 2019).
[41] See *Puciaty v. U.S. Dep't of Justice*, *I.N.S.*, 125 F.Supp.2d 1035, 1040 (N.D. Ohio 2000); *Petition of Gani*, 86 F.Supp. 683, 684 (E.D. Pa. 1949).
[42] See *Matter of Bespatow*, 100 F.Supp. 44, 45 (W.D. Pa. 1951).

USCIS will draft and implement new Policy Manual content and adjudicative guidance for USCIS officers to use in assessing GMC related to this policy memorandum. USCIS will revise Form N-400 to collect additional information to ensure that it can determine whether aliens have demonstrated GMC, including information about public benefit use and support of dependents. After publication of policy guidance, USCIS officers will accordingly question and scrutinize aliens applying for naturalization when examining their applications for naturalization to ensure that only those who meet their burden of proof by demonstrating that they have fulfilled all eligibility requirements are approved.

Use

This policy memorandum is intended solely for the guidance of USCIS personnel in the performance of their official duties, but it does not remove their authority to make adjudicatory decisions. It may not be relied upon to create any right or benefit, substantive or procedural, enforceable under law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.