



# SOUND IMMIGRATION

[date]

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**Re: Notice to withdraw Forms I-130 & I-864**

Petitioner: [Name]

Applicant: [Name + alien number]

Form I-485 (MSCxxxx)

Form I-130 (MSCxxxx)

Greetings:

I represent Form I-130 petitioner, [Name]. Ms. [Name] respectfully notifies the Department of Homeland Security that she hereby withdraws her Form I-130 petition (receipt number MSCxxxx). She further notifies the Department that she withdraws the Form I-864, Affidavit of Support which she filed in support of the Form I-485 application for lawful permanent residency filed by her spouse, [Name] (receipt number MSCxxxx).

This request is being sent to each of the three offices designated above, as we cannot confirm the present location of the petition and/or application file. The parties resided in Texas at the time the petition and application were submitted. The petitioner subsequently moved residences to Washington State but has

been unable to confirm if the parties' attorney of record file a Form AR-11 to notify the Department of this change in address.

As the Department is aware, and Affidavit of Support sponsor is permitted to withdraw her Form I-864 pursuant to 8 C.F.R. 213a.2(f).<sup>1</sup> Such a request must be in written format signed by the sponsor, but the Department has promulgated no further mandatory form for such a request. *See* 8 C.F.R. 213a.2(f)(2) (pertaining to applications to adjust status). The regulations require only that such a request be submitted "before the decision on the adjustment application." *Id.*

Likewise, a petitioner may withdraw her petition, "at any time until a decision is issued by USCIS or, in the case of an approved petition, until the person is admitted or granted adjustment or change of status, based on the petition." 8 C.F.R. § 103.2(6). Here, Ms. [Name]'s Form I-130 petition has not yet been approved, and she therefore exercises her authority to unilaterally withdraw the petition.

Ms. [Name] is aware that her request to withdraw the Form I-130 petition and Form I-864 contract must include her signature as defined by the Department. 8 C.F.R. § 103.2(6); 8 C.F.R. 213a.2(f)(2). The present notification includes a scanned reproduction of Ms. [Name]'s original signature in compliance with the Department's March 20, 2020 policy.<sup>2</sup>

Thank you in advance for your attention to this matter.

In solidarity,

Greg McLawsen  
Attorney for [Name]

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<sup>1</sup> *See also* Adjudicator's Field Manual § 20.5(h) ("A person who has signed a Form I-864, I-864EZ or I-864A may withdraw the Form. If the person does so, USCIS will adjudicate the application for adjustment of status as if the withdrawn Form I-864, I-864A or I864EZ had never been filed. In an adjustment of status case, a withdrawal of the Form I-864, I-864EZ or I864A is not effective unless it is in writing and USCIS actually receives the withdrawal before the final decision on the adjustment application..").

<sup>2</sup> USCIS News Alert, USCIS Announces Flexibility in Submitting Required Signatures During COVID-19 National Emergency (March 20, 2020), *available at* <https://www.uscis.gov/news/alerts/uscis-announces-flexibility-in-submitting-required-signatures-during-covid-19-national-emergency> (permitting signatures on benefit forms "and documents" to be electronically reproduced original signatures). The March 20, 2020 policy temporarily modifies the standard set forth in the Department's February 15, 2018 policy memorandum, *Signatures on Paper Applications, Petitions, Requests, and Other Documents Filed with U.S. Citizenship and Immigration Services*, PM-602.0134.1 (Feb. 15, 2018), p. 3 ("Regardless of how it is transmitted to USCIS, the copy must be of an original document containing a handwritten, ink signature, unless regulations or the form instructions state otherwise").

# Request to Withdraw Forms I-130 and I-864

Form I-485 receipt number MSCxxxx

Form I-130 receipt number MSCxxxx

My name is \_\_\_\_\_. I am a Petitioner who has lodged a Form I-130, Petition for Alien Relative with U.S. Citizenship and Immigration Services, the receipt number for which is MSCxxxx. That petition was filed in support of a Form I-485, Application for Lawful Permanent Residency filed by my spouse, [Name], the receipt number for which is MSCxxxx. In support of that Form I-485 Application, I also filed a Form I-864, Affidavit of Support.

I hereby notify the Department that I withdraw my Form I-130 petition.

I hereby notify the Department that I withdraw my Form I-864 contract.

I affirm my identity as \_\_\_\_\_ and that I voluntarily and knowingly submit this written notification.

Date: \_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_  
[Name]