



Advocacy Toolkit

Form I-912 proposed fee waiver changes

1. Background information

What's happening?

- The Trump Administration has proposed a rule change that would impact the eligibility requirements for immigration applicants, making it harder for nearly [two-thirds](#) of all immigrants to access the legal immigration system or change their legal status.
- Under current regulations, the government permits immigrants below specific income levels applying for a limited number of [benefits](#) to have the fees associated with filing the application waived ("fee waiver").
- The fee waiver does not apply to the cost of legal representation. This means that where an applicant qualifies for the waiver for some or all of their application fees, they still must pay for legal representation and other costs associated with accessing the legal immigration system. Nonetheless, the fee waiver goes a long way in reducing the overall cost for low-income immigrants to access the immigration system.
- The proposed rule change would limit the qualification criteria and significantly increase the burden on immigrants to prove they are eligible for the waiver, putting access to the legal immigration system out of reach for many.

How the proposed change impact the IRC's clients:

- The IRC assists primarily refugees, asylees and other vulnerable immigrants in accessing needed protections such as lawful permanent resident (LPR) status and U.S. citizenship.
- Last year, over 61% of the IRC's immigration legal services clients had incomes below the federal poverty level.
- The IRC assisted 5,257 individuals with applications for citizenship, of which 3,092 (almost 60%) were accompanied by fee waiver requests.
- Additionally, the IRC assisted approximately 500 asylees with fee waiver requests in connection with applications for adjustment to LPR status (for which refugees pay no application fee), and an additional 412 individuals with fee waiver requests in connection with applications to replace lost or expiring LPR cards.
- The majority of IRC clients qualify for USCIS fee waivers on the basis of their receipt of public benefits. These individuals would otherwise have to jump through complex bureaucratic hoops to prove low income and/or hardship. Many lack sufficient English literacy and technological competency to find out how and where to obtain needed documentation. As a result, essential immigration benefits would remain out of reach.

What we're asking you to do:

- Submit a **unique public comment** on the proposed rule before **May 6, 2019**; and,
- Reach out to your networks to encourage them to do the same using this advocacy toolkit.

Why are we asking you to submit public comments and what happens next?

- USCIS must consider all timely filed public comments.
- If it appears the agency did not consider substantive public comments, it may open the agency to litigation under the Administrative Procedures Act (APA).
- After USCIS carefully considers the public comments received on the proposed rule, the agency may issue a final rule, may delay introduction of the rule, or may choose not to proceed at all.

Resources:

- [Original](#) notice of proposed fee change on the Federal Register.
- [Updated](#) notice of proposed fee waiver change (open for comments through May 6, 2019)

2. How to use the toolkit

Step #1: File your own public comment using the tools and resources in Section 3 and 4 below.

- Use the talking points in Section 3 to craft your own unique public comment; **or**, use the sample public comments provided, tailored to your own personal story.
- Use the step-by-step instructions in Section 4 to submit your public comment.

Step #2: Encourage your networks to file their own public comment using the attached tools and resources (and by promoting the digital advocacy efforts through your social media platforms).

Background & Additional information

- **Remember:** Public comments are just that (public!) so what you end up posting will be available for the government and others to see. Do not include any identifying information about clients.
- **Want more information on the substance of the proposed rule before filing a public comment?** It's worth examining their information if you intend to file a unique public comment (and encouraged by the advocacy team):
 - [CLINIC](#)
 - [Immigrant Legal Resource Center](#) (ILRC)
- **Read public comments filed by other immigration organizations:**
 - [Kids in Need of Defense](#) (KIND)
 - [American Immigration Lawyers Association](#) (AILA)
 - [New York Immigration Coalition](#)
 - [Naturalization Working Group](#)

3. Key points and sample comments

Option 1: Write your own comment

- *Anyone can submit public comments into the Federal Register. Unique public comments are highly encouraged to ensure your voice is heard and comment is counted.*

Key points to include:

- Evidence shows us that naturalization helps low-income immigrants have access to greater education and professional opportunities, enabling them to better provide for themselves and their families and contribute to the U.S. economy
- The elimination of fee waivers is a complete betrayal of core American values: it closes the door to those immigrants who are eager to work hard and achieve the American Dream but simply cannot afford to pay the fees.
- The proposed rule effectively punishes immigrants for their socio-economic status, rewarding better-off immigrants and excluding many who are gainfully employed but struggling to make ends meet
- The consequences of this proposed rule would be felt by U.S. citizen children: low-income immigrants who are parents of U.S. citizen children may be forced to choose between pursuing naturalization with the added security and opportunities it brings and spending limited resources on their children's needs. This could have devastating consequences for the wellbeing of children and families in America.
- See CLINIC's comprehensive analysis of the proposed rule change (link above) for further detailed analysis.

Option 2: Add your unique voice to a sample comment

- *Try to make these pre-drafted comments your own and add your personal story or information about how the proposed change will impact clients. NOTE: Do not use identifying personal information.*

Sample Comment [Core American values]

- I, [name], write to express opposition to the proposal by United States Citizenship and Immigration Service (USCIS) to make changes to the rule regarding fee waivers. America is a nation of immigrants. For centuries, we have welcomed families from across the world who are seeking safety and a chance at the American dream. The proposed rule would make it harder for low-income immigrants to access immigration benefits, which goes against our nation's fundamental values of equality and justice. I oppose this rule because I firmly believe that our lives must be defined by who we are, not by how much money we earn.

Studies show that naturalization helps immigrants access education, employment, and social capital which all help them move up the income ladder. Limiting access to naturalization would trap many people in the cycle of underemployment and force others to choose between paying high fees or providing for their families, including in many cases, U.S. citizen children.

Diversity has always been America's greatest strength. But this rule would send the message that U.S. citizenship is only for the wealthy and penalize people who are simply trying to work hard to provide a better future for themselves and their families. I urge you to defend our core American values and rescind this proposed rule to limit fee waiver eligibility.

Sample Comment [Immigration]

I, [name], write to express opposition to the proposal by United States Citizenship and Immigration Service (USCIS) to make changes to the rule regarding fee waivers. This rule would disproportionately impact survivors of violence and trauma and other vulnerable immigrants who are desperately striving to rebuild their lives and restore their dignity in peace and freedom. Survivors of human trafficking (T visa holders), victims of serious crimes (U visa holders), and those fleeing persecution on account of race, religion, nationality, political opinion or membership in a particular social group (asylees) are all among those subject to the current \$1225 fee for obtaining lawful permanent residence, and the subsequent fee for \$725 to apply to become US citizens. Without the fee waiver, many eligible applicants would be unable to access these critical benefits and protections. America has always stood as a beacon of freedom from persecution and a land of opportunity for those willing to work hard to provide a better future for themselves and their families. This cynical rule undermines the struggle of those striving to restore their dignity in the face of oppression by

placing the promise of citizenship and full participation in our society off limits to those without means. I urge you to rescind this rule limiting fee waiver eligibility.

Sample Comment [Immigration]

I, [name], write to express opposition to the proposal by United States Citizenship and Immigration Service (USCIS) to make changes to the rule regarding fee waivers. This rule places an undue burden on hard working, low-income immigrants and their families and places US citizenship out of reach for many who embody the promise of America. Evidence has shown that naturalization helps low-income immigrants have access to greater education and professional opportunities, enabling them to better provide for themselves and their families - and contribute to the U.S. economy. It also promotes integration and civic participation, and serves as a stabilizing force and source of pride in immigrant communities around the country. America is a country built by immigrants, and by placing critical benefits like US citizenship out of reach for all but the wealthy, this rule undermines core American values of opportunity and fairness. I urge you to rescind this rule limiting fee waiver eligibility.

Sample Comment (taxpayer resources and administrative resources)

- I appreciate the opportunity to comment on the proposed changes to form I-912, *Request for Fee Waiver* and supporting documents (“fee waiver changes”). For the reasons below, I strongly oppose the fee waiver changes and encourage USCIS to rescind the proposed fee waiver changes. As written, the fee waiver changes will completely eliminate a category to prove eligibility for the fee waiver, increasing the adjudication burden on USCIS and undermining the states’ authority to prescribe eligibility as authorized under federal law. Specifically, under current regulations and guidance, applicants for a fee waiver may use one of three tests to demonstrate they qualify, they can: show they receive a means-tested benefit, demonstrate household income, or show financial hardship. The fee waiver changes propose eliminating eligibility if the applicant receives a means-tested benefits. Means-tested benefits largely fall into two categories: income insecurity programs and health care access programs. While precise eligibility for programs varies under state and federal law, as states prescribe their own rules based on the unique needs and cost of living in their respective states, means-tested benefits overwhelmingly benefit individuals who live at or below the federal poverty line. Examples include individuals who receive Supplemental Nutrition Assistance Program (SNAP), child nutrition programs, including free and reduced lunches, and Temporary Assistance for Needy Families (TANF). These programs serve the most vulnerable in our community and nearly all of these programs already require that individuals demonstrate they are eligible to receive them. Therefore, from a taxpayer’s perspective, it makes little sense to eliminate eligibility for the fee waiver where the applicant can demonstrate they’re already receiving a service that is exclusively for those living at or near the federal poverty line. In effect, it seems that this will not only place additional administrative burdens on USCIS adjudicators and will be a waste of taxpayer resources, but it clearly places additional administrative burdens on low income families. Moreover, acquiring the entirety of the application fees will undoubtedly place financial burdens on families, as these fees can exceed thousands of dollars, excluding the cost of hiring an immigration lawyer. We know that nearly 40% of American families would be unable to cover an unexpected \$1000 expense, let alone the thousands of dollars required to access the immigration system. By adding administrative and financial barriers the proposed fee waiver changes will make it exceedingly difficult for low income families to access the legal immigration system (something this administration has publicly stated is a desired policy goal), will waste taxpayer resources, and create unnecessary administrative burdens on adjudicators and applicants alike. I urge you to rescind the fee waiver changes.

4. How to file a public comment

Background: Federal agencies issue rules and regulations that impact our daily lives. After a rule is proposed, there is a public comment period during which time anyone can submit their input to the relevant agency. These comments are reviewed and taken into consideration before the rule is finalized. The final day to submit a comment for the proposed fee waiver change is **May 6, 2019, 11:59 PM EST.**

Instructions to submit comments on the federal register:

- Unlike other requests for public comments, which are normally submitted and received via the government's regulations.gov website, USCIS is asking that interested parties submit comments via email.
- Emails should be address to the OMB USCIS Desk Officer: dhsdeskofficer@omb.eop.gov.
- The subject line should read "USCIS OMB Control Number 1615-0116."

For questions regarding this toolkit, please contact the IRC Policy & Advocacy Team at advocacy@rescue.org