



International Rescue Committee

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December 27, 2019

Submitted via www.regulations.gov

Ms. Samantha Deshommès, Chief
Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave. NW
Washington, DC 20529

Re: U.S. Citizenship and Immigration Services Fee Schedule, DHS Docket No. USCIS-2019-0010; RIN 1615-AC18

Dear Chief Deshommès,

The International Rescue Committee (IRC) respectfully submits this comment on the proposed U.S. Citizenship and Immigration Services (USCIS) Fee Schedule, published on November 14, 2019 and supplemented on December 9, 2019. The proposed rule threatens to unjustly burden immigrants, placing a financial barrier between eligibility and immigration status for many non-wealthy and vulnerable immigrants and their families. Furthermore, the negative impacts of the proposed rule would go beyond the individual immigrant to span communities, the legal service sector, and the fairness and integrity of our immigration system. For these reasons and as detailed below, the IRC strongly opposes the proposed fee rule.

Established in 1933, the IRC provides relief, protection, resettlement, and integration services to refugees and other humanitarian, vulnerable immigrants. Globally, the IRC responds to the world's worst humanitarian crises and helps people whose lives and livelihoods are shattered by conflict and disaster to survive, recover, and gain control of their future. Our network of 25 program sites in the United States provides resettlement and integration assistance to thousands of refugees who have been lawfully admitted to the United States as well as Iraqi and Afghan special immigrants, asylum-seekers, asylees, victims of human trafficking, humanitarian parolees, TPS holders, lawful permanent residents and others.

The provision of basic immigration legal services—in particular, adjustment of status, family reunification and naturalization—is a necessary extension and integral component of our mission in the U.S. To ensure the successful integration of our clients, our network of 24 legal services programs, which has been recognized by the U.S. Department of Justice since 1958, is committed to providing high quality, affordable, and essential immigration services to primarily low-income refugees, asylees, and other immigrants. Our long-standing services in the communities in which we operate allow us to fully anticipate the detrimental effects and ramifications of the proposed fee and policy changes.

General Comments



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The proposed USCIS fee schedule disproportionately harms low-income immigrants. The proposed increases in fees and elimination of fee waivers would create a purely financial barrier to the progress of an immigrant’s integration in the U.S., delaying or precluding status that is critical to safety, security, and protection. These unnecessary and unfounded changes would cause hardship and burden for hardworking immigrants and mixed-status families, including U.S. citizens.

Individuals who have been granted humanitarian protection in the United States, such as refugees and asylees, must be able to continue accessing benefits and status, including Employment Authorization Documents, Adjustment of Status, and Citizenship, regardless of wealth. After being granted initial safety in the U.S. because of persecution in their countries of origin, refugees and asylees rebuild their lives here in the U.S. They become part of communities, contribute their skills and talents to the American workforce and economy, and strengthen our nation. Denying access to further stability and security as they rebuild their lives undermines the initial safety offered by the U.S. government, and threatens to undermine progress made toward integration. This negatively impacts mental and physical health in those who have experienced trauma in their persecution, potentially delaying gains made in recovery. In addition, it threatens to remove the hope and aspiration, after persecution and resiliency, of having a safe home and country.

Furthermore, these increases in application fees constitute a wealth test for immigrants who are statutorily eligible for immigration benefits. Congress’s mandate and authority to set immigration law in the U.S. should not be thwarted by administrative policy that unfairly disadvantages individuals based solely on the size of their bank accounts. It blocks deserving neighbors and residents of the opportunity to become U.S. citizens, and robs communities of their further integration and civic participation as well as economic contributions.

USCIS has increased fees periodically for over a decade in order to adequately and properly carry out their duties. In 2007, USCIS stated that increases would enable the agency to “maintain proper service levels and avoid backlogs.”¹ However, despite subsequent increases, USCIS has failed to prevent backlogs, has processing times outside set benchmarks, and has demonstrated a marked shift away from customer service and efficiency. Since 2010, USCIS’ backlog has increased by more than 6,000 percent,² the overall average case processing time has increased 91 percent between 2014 and 2018,³ and USCIS has removed language from its resources that stated any

¹ CRS Report for Congress, USCIS Immigration Fees and Adjudication Costs: FY2008 Adjustments and Historical Context. <https://trac.syr.edu/immigration/library/P1984.pdf>

² See *Policy Changes and Processing Delays at U.S. Citizenship and Immigration Services: Hearing before the House Subcomm. on Immigration of the H. Comm. On the Judiciary*, 116th Cong. (2019) (joint written testimony of Don Neufeld, Associate Director, Service Center Operations Directorate, USCIS, and Michael Valverde, Deputy Associate Director, Field Operations Directorate, USCIS).

³ Am. Immigr. Law. Assoc., AILA Policy Brief: USCIS Processing Delays Have Reached Crisis Levels under the Trump Administration (2019), <https://www.aila.org/advo-media/aila-policy-briefs/aila-policy-brief-uscis-processing-delays>.



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commitment customer service.⁴ This history shows that increased fees do not have a positive impact on backlogs and processing times, and will not address some of the operational and systemic issues plaguing USCIS that IRC has witnessed and experienced, such as inefficient communication systems, lack of integration of technology to support workflow, and inadequate staff training.

On February 12, 2019, 86 members of Congress sent a letter to USCIS inquiring about the delays. USCIS responded, citing lack of adequate staffing, insufficient resources, and new policies among the reasons for the gross backlog of cases that has been growing for several years.⁵ USCIS shared that they failed to fill all authorized staff positions. This failure to fill authorized positions and thereby secure the appropriate level of staffing in spite of an ever-growing backlog highlights the need for USCIS to be held accountable for its personnel. USCIS should examine ways to make hiring and training more efficient for better use of resources to carry out their statutory mandate to efficiently process applications for immigration benefits. USCIS' purported shortfalls are a direct result of its poor policy and organizational choices.

Below we further describe impacts of the proposed fee rule on our organization and clients, and the reasons for our opposition. Omission of any proposed change from this comment should not be interpreted as approval. We oppose all aspects of the proposed fee schedule that would act as a barrier between low-income immigrants and the immigration benefits for which they qualify.

USCIS' Proposal to Limit Payment Types Would Unfairly Disadvantage Low-income, Low Literacy, or Newly Arrived Immigrants

USCIS proposes to make the method of fee payment changeable form-by-form through a designation in the form instructions. This would allow USCIS to prohibit the use of certain types of payment, like cashier's checks or money orders, for certain applications or petitions in favor of other methods of payment such as online payments. This proposed limitation would cause hardship to applicants and petitioners who are low-income, low literacy, and/or newly arrived.⁶

Immigrants are less likely than their native-born U.S. neighbors to use a wide variety of mainstream financial services. Income level, educational attainment, and wealth all contribute to this disparity. As a one study showed, "[a]ge, income, net worth, and number of years of stay in the United States

⁴ See Max Greenwood, *Immigration Agency Removing 'Nation of Immigrants' from Mission Statement*, THE HILL, Feb. 22, 2018, <https://thehill.com/homenews/administration/375112-us-immigration-agency-to-remove-reference-to-us-as-nation-of>; see also Policy Alert: USCIS Public Services No. PA-2019-03 (May 10, 2019).

⁵ Mull, Amber. *The Narrowing Path to Citizenship*. The International Rescue Committee, 2010. <https://www.rescue.org/sites/default/files/document/4214/2019-10citizenshipreport.pdf>

⁶ The unique challenges facing immigrants, low-income immigrants, and new immigrants in utilizing financial services due to limited language skills, cultural factors, immigration status, and experiences with financial institutions in their home countries are documented in *Financial Education and Capability: Research, Education, Policy, and Practice*, Edited by Birkenmaier, Julie, Sherraden, Margaret, and Curley, Jami. Oxford University Press, 2013.



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are positively associated with increase in financial wealth of immigrants across time.”⁷ An application process that requires online payments favors the privileged and wealthy.

In addition, a study of Hmong immigrant families showed generational gaps between parents and young adult children in adaptation to the complex U.S. economic environment⁸. This shows that the impact of the limitations requiring online payments will not hit all immigrants the same, and will create a higher burden for older applicants.

Immigrants with low English language literacy will be unfairly disadvantaged. English proficiency has been found to impact knowledge gains related to financial literacy.⁹ In addition, those with limited English will face additional barriers in accessing banking institutions, credit scores, and internet capability needed to submit online payments. This includes many of IRC’s refugee clients, who are admitted to the U.S. as part of the federal refugee resettlement program. Refugees are referred to and enrolled in English classes right away, and have been found to make exceptional gains in English language acquisition - over 53% speak English fluently or very well in six to fifteen years.¹⁰ In addition to hard work, this acquisition takes time. Studies have found that it takes years to acquire English language skills. One study found that “even in two California districts that are considered the most successful in teaching English to LEP students, oral proficiency takes 3 to 5 years to develop, and academic English proficiency can take 4 to 7 years.”¹¹ The path to status and greater rights in the U.S. should not be halted while refugees and immigrants put in the hard work and dedication it takes to acquire English language skills.

As representatives of hard-working immigrant families, we request that USCIS accept cashier’s checks and money orders as methods of payment for all applications and petitions.

USCIS’ Proposal to Transfer Applicant Fees to ICE Is Inappropriate

In the proposed fee schedule, USCIS seeks to transfer over \$220 million¹² in applicant fees held in the Immigration Examinations Fee Account (IEFA) to Immigration and Customs Enforcement (ICE), for enforcement purposes over a two-year period. The IRC wholly opposes this misuse of applicant fees.

⁷ Chatterjee, Swarn. Do Immigrants Have Lower Participation Rates in U.S. Financial Markets? The International Journal of Business and Finance Research, Vol. 3, No. 2, pp. 1-13, 2009.

⁸ Catherine A. Solheim & Pa Nhia D. Yang. Understanding Generational Differences in Financial Literacy in Hmong Immigrant Families. American Association of Family and Consumer Sciences, 2010.

⁹ Zhan, Min, Anderson, Steven G., Scott, Jeff. Financial Knowledge of the Low-income Population: Effects of a Financial Education Program. School of Social Work, University of Illinois at Urbana-Champaign. 33 Journal of Sociology and Social Welfare 53, 2006.

¹⁰ New American Economy, From Struggle to Resilience, The Economic Impact of Refugees in America. June 2017. https://www.newamericaneconomy.org/wp-content/uploads/2017/06/NAE_Refugees_V5.pdf

¹¹ Hakuta, K., Butler, Y.G., & Witt, D. (2000). How long does it take English learners to attain proficiency? University of California Linguistic Minority Research Institute Policy Report 2000-1. Santa Barbara, CA: University of California-Santa Barbara.

¹² The current figure of \$112,287,417 was adjusted down from the original proposed figure of over \$207.6 annually. This adjustment was made in the supplemental Federal Registry [notice](#) on 12/09/2019.



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Congress codified in the Immigration and Nationality Act (INA) that the applicant-funded IEFA is USCIS’s “primary funding source” used “to fund the cost of processing immigration benefit applications and petitions”—that is, “to adjudicate applications and petitions for benefits under the Immigration and Nationality Act and to provide necessary support to adjudications and naturalization programs.” Despite this clear statutory instruction, however, through this proposed rule USCIS seeks to transfer those funds to serve another purpose. By unnecessarily and wrongfully transferring funds from IEFA to ICE, USCIS is betraying not only its own mission but also Congress’s clear statutory intent. We find it wholly inappropriate to accept payments from immigrants intended for adjudication of their immigration benefits, and instead to redirect those funds to be used for another purpose entirely.

This is further unjustified by the gross backlogs in some applications, including naturalization. Transferring resources in the face of debilitating backlogs for naturalization is an egregious mismanagement of funds and resources.¹³ USCIS Acting Director Ken Cuccinelli II stated that “[t]he financial situation at USCIS is dire...” and that the proposed fee schedule is necessary for USCIS.¹⁴ Therefore, if USCIS so direly needs the funds to implement their duties, a transfer to ICE is indefensible.

USCIS Should Maintain Fee Waivers for All Current Categories

While increasing fees and siphoning off millions for enforcement activities in another agency outside of USCIS’ mandate and mission, the proposed fee schedule rule strips access to immigration status for low-income individuals by completely eliminating fee waivers for a number of critical applications, including naturalization, green cards, and employment authorization. Fee waivers are only offered in special cases where the ability of people to apply is in the public interest. This includes many humanitarian situations, such as those affecting refugees, asylees, and victims of trafficking. Fee waivers are possible because USCIS balances their budget with the fees paid by other applicants. Upsetting this balance by transferring funds to ICE places an unjust burden on applicants to foot the bill for more than just the operations supporting the application process, and imposes a harsh penalty based solely on wealth that those recently offered safe haven from persecution should not be required to bare.

Fee waivers are also essential for hard-working, low-income families as well as other vulnerable groups such as those with disabilities. Fee waivers enable families to financially support themselves and maintain stability while pursuing full integration in the U.S. Creating a financial barrier to immigration status for those who are statutorily eligible delays their ability to gain greater job security, stability, and gains that impact not only the individual or family, but the whole community

¹³ Mull, Amber. *The Narrowing Path to Citizenship*. The International Rescue Committee, 2010.
<https://www.rescue.org/sites/default/files/document/4214/2019-10citizenshipreport.pdf>

¹⁴ USCIS Response to Advocates’ Request for 60-day Comment Period to Proposed Fee Schedule. USCIS’ Acting Director Kenneth Cuccinelli. November 15, 2019.
<https://cliniclegal.org/sites/default/files/resources/2019-1203-uscis-response-to-request-for-60-day-comment.pdf>



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and economy as well. For example, the positive impact of naturalization on earnings and the U.S. economy has been well studied and documented. One study found that the U.S. gross domestic product (GDP) would increase between \$37 billion to \$52 billion over 10 years if those eligible obtained U.S. citizenship.¹⁵ Restricting access to applying for lawful (a necessary precursor for naturalization) and naturalization means restricting economic power and earnings at all levels of our economy, from the individual green card holder and their family to businesses and employers.

Data from the IRC further backs up the increased financial security and stability gained through immigration status. The majority of IRC's clients are low-income. In FY19, between 53% and 72% of IRC immigration clients had income below the federal poverty guidelines. This percentage varied across client status, ranging from a high of 70-87% for refugees, decreasing to 31-49% for lawful permanent residents, and falling to 27-44% for U.S. Citizens. Refugees are required to apply for lawful permanent resident status after one year and can apply to become U.S. citizens after five. To assist low-income applicants, IRC helped 4,975 eligible applicants to access fee waivers in order to obtain an immigration status or benefit that will help them continue to gain financial stability and integrate into and contribute to their communities.

Because of the benefits of naturalization—one of the form types most frequently associated with fee waiver requests¹⁶—Congress has called on USCIS to keep the pathway to citizenship affordable and accessible.¹⁷ A recent Congressional Committee report states, “USCIS is expected to continue the use of fee waivers for applicants who can demonstrate an inability to pay the naturalization fee.”¹⁸ USCIS' proposed elimination of filing fee waivers would severely undermine Congressional intent, and is also a flawed and shortsighted policy. It will result in considerable harm to new American families and the nation's democracy as a whole as voting rights are delayed.

In serving refugees and asylees, the IRC sees the positive contributions they make, not only economically but also to the vibrancy, diversity, and social fabric of our communities. Asylees have been granted asylum in the U.S. by USCIS or an immigration court judge because they face persecution in their home country. After one year, asylees can apply to get a green card, which provides a more secure status as they rebuild their lives in safety and freedom. The proposed rule sets the fee at \$1,120 and removes the possibility of a fee waiver. This puts green cards beyond the reach of many hard working asylees. A single mother with two children, for example, would have to pay \$3,360. *This is more than double the monthly income of an adult working full-time at the federal minimum wage.*

USCIS is moving from an ability-to-pay model, where the fees paid by those who can afford to pay supplement and offset services to those unable to pay. Instead, it is proposing a beneficiary-pay

¹⁵ Pastor, Manuel and Justin Scoggins, “Citizen Gain: The Economic Benefits of Naturalization for Immigrants and the Economy,” Center for the Study of Immigrant Integration, 2012.

¹⁶ USCIS Fee Waiver Policies and Data, Fiscal Year 2017 Report to Congress, USCIS (Sept. 17, 2017), www.dhs.gov/sites/default/files/publications/USCIS%20-%20Fee%20Waiver%20Policies%20and%20Data.pdf.

¹⁷ H. Rep. No. 115-948 accompanying H.R. 6776, the Department of Homeland Security Appropriations Act (2019).

¹⁸ Id. [Emphasis added].



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model whereby applicants pay regardless of income or situation. This ignores the inequities that exist across incomes, and will not be a fair or just system. The justification for this is the forgone revenue that USCIS experiences each year. However, in the ability-to-pay model, costs are offset. This has been working for years. In addition, if this were the only motivation, the fees would be expected to decrease for everyone as there are more payers. Instead, fees are skyrocketing for services such as naturalization that allow fee waivers and reduced fees based on income.

USCIS Should Maintain Current Guidelines for Fee Waivers

In addition to drastically reducing the types of applications eligible for fee waivers to only those statutorily mandated, USCIS included in this proposal significant and substantial changes to Form I-912, Request for Fee Waiver. These changes are given a comment period of only 45 days with the extended comment period for the proposed fee schedule, not the 60 days that are standard for such significant changes.

In the changes to Form I-912, USCIS proposes to shift the well-established threshold of eligibility related to income from 150% of the Federal Poverty Guidelines to 125%. The reasoning given behind this change is that this aligns with the public charge and affidavit of support requirements. However, this completely disregards the fundamentally different nature of the types of benefits associated with these requirements (immigrant visas and admittance to the United States) and the benefits for which fee waivers are statutorily mandated. This latter category consists of survivors of trafficking, certain other criminal activity, and domestic violence (T and U visas and VAWA). In the case of criminal activity, these applicants are cooperating with and assisting U.S. law enforcement with the investigations of perpetrators. The reality of the nature of these situations often renders an applicant extremely vulnerable, having no support network or sufficient means in the U.S. Further restricting the ability to access fee waivers for those of low-income ignores the reality and threatens to leave applicants even more vulnerable to exploitation and abuse.

Adjustment of Status Applications Should Remain Bundled and Affordable

USCIS introduced a bundled cost for concurrently filed Forms I-485, I-765, and I-131 beginning in FY2008. This measure was implemented in tandem with a significant increase to the I-485 fee, in order to mitigate burden imposed by the increased fee.¹⁹ Now, however, USCIS is proposing another significant increase in the I-485 application fee, eliminating the fee waivers for low income individuals, and removing the ability to concurrently file interim benefits with no additional fees. These interim measures are important for adjustment of status applicants to access in order to have employment authorization and advance parole travel authorization due in part because of the long processing backlogs.

Due to immigrant visa backlogs, applicants for adjustment often face long waits before their permanent residency is granted. They rely on employment authorization so that they can continue to live and work in the United States while their application is pending. These applicants will see a 79

¹⁹ CRS Report for Congress, USCIS Immigration Fees and Adjudication Costs: FY2008 Adjustments and Historical Context. <https://trac.syr.edu/immigration/library/P1984.pdf>



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percent increase in the total cost of filing Forms I-485, I-765, and I-131. The steep increase, from \$1,225 to \$2,195, and the elimination of fee waivers will make adjustment of status unattainable for many low-income and working class people who are immigrating through a U.S. citizen or lawful permanent resident relative. A minimum-wage worker who is likely already living paycheck-to-paycheck would have to work an extra 134 hours just to cover the increase in the application fees. Increasing the overall cost of adjustment of status would prevent many low-income individuals from becoming permanent residents and undermine family unity. When USCIS is able to adjudicate these applications together, it is more efficient and less costly for the agency and should therefore be more affordable for the applicant as well.

The Petition to Remove Conditions on Residence Should Remain Accessible

USCIS proposes a 28 percent increase to the current fee for filing Form I-751 Petition to Remove Conditions on Residence, from \$595 to \$760. This increase and the elimination of the fee waiver make it more difficult for low-income families to file timely. Late filing can have severe consequences, including the conditional resident's loss of lawful status and the risk of being placed into removal proceedings. Furthermore, those filing Petitions to Remove Conditions are often eligible to file for naturalization very shortly afterward. Due to the fee increases in both of these categories, applicants for both benefits would go from paying \$1,235 in filing fees to \$1,930—a 56 percent increase in payment during that short period of time.

A conditional resident who has entered into a qualifying marriage in good faith but whose spouse has battered or subjected the noncitizen or their child to extreme cruelty may request a waiver of the joint filing requirement. While the proposed rule preserves fee waivers for self-petitioners under the Violence Against Women Act, or VAWA, it would not do so for Form I-751 waiver applicants who have been subjected to battery or extreme cruelty. This is an unjust result for applicants who are in a comparable situation.

Fee Waivers Should be Available to Those Subject to the Affidavit of Support

USCIS proposes making fee waivers unavailable to applicants who are subject to the public charge ground of inadmissibility; those who are subject to an affidavit of support; and those who are already sponsored immigrants. The USCIS Director would also be barred from granting a discretionary fee waiver to anyone in the former categories. This proposal would disproportionately harm low and moderate income families.

Most family sponsored immigrants are subject to the public charge ground of inadmissibility and are required to have an affidavit of support regardless of income.²⁰ Moreover, the affidavit of support contract terminates only after specific criteria are met.²¹ The end result is that an immigrant would likely be barred from fee waiver eligibility for years, without regard to their actual need.

²⁰ INA 212(a)(4)(C); 8 CFR 213a.2(b)(1).

²¹ “The liability of the sponsor executing the affidavit of support terminates only when the sponsored immigrant becomes a U.S. citizen, earns or is credited with a total of 40 qualifying quarters as defined by social security law; dies; loses or abandons LPR status and departs the U.S.; or is ordered removed but readjusts status in immigration proceedings.” See 8 CFR § 213a.2(e)(2)(i).



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This would create an additional barrier for low income immigrants who seek immigration benefits that they would otherwise be eligible for, including naturalization.

USCIS Should Withdraw the Fee Increase for the Provisional Waiver

The creation of the provisional waiver was intended to encourage eligible individuals to complete the immigrant visa process abroad, promote family unity, and improve administrative efficiency. Having an approved provisional waiver helps facilitate immigrant visa issuance at the Department of State (DOS), streamlines both the waiver and the immigrant visa processes, and reduces the time that applicants are separated from their U.S. citizen or lawful permanent resident family members, thus promoting family unity.²²

Under the proposed rule, the filing fee for the Form I-601A Provisional Unlawful Presence Waiver would increase 52 percent from the current cost of \$630 to \$960. This steep increase and the elimination of fee waivers would discourage individuals from consular processing and undermine the purpose of the provisional waiver. Families would be prevented from pursuing lawful means to finding immigration relief, to the benefit of themselves as well as the community.

USCIS Should Not Impose a Renewal Fee for DACA

The current total fee for Deferred Action for Childhood Arrivals (DACA) renewals is \$495. USCIS proposes to establish a new, additional \$275 fee for Form I-821D, which would raise the new total cost for DACA renewal to \$765. This 55 percent increase would create a significant barrier to accessing the protection from deportation and work authorization young immigrants need for their stability.

Most DACA requesters are, by definition, young people who often struggle to afford the existing DACA request fee. Of the approximately 660,880 total active DACA recipients reported on June 30, 2019, approximately 544,180 are age 30 or below, and 112,160 of that number are fifteen to twenty years old. In a 2015 survey of DACA recipients, nearly 70 percent of respondents indicated that they struggled to pay their monthly bills and expenses with their current incomes. However, 80.6 percent of respondents indicated that they were employed, and 80.1 percent believed that DACA would help them achieve their professional goals.

Of the 431 DACA recipients the IRC assisted with renewal applications in FY19, 62% were under the age of 25 and 97% under the age of 35. Many of these individuals are students, and at least half have incomes under the federal poverty guidelines. As young people and students, DACA recipients should not be expected to pay exorbitant fees to maintain their ability to continue living in the U.S., working, and going to school safe from deportation. Prioritizing education and paving the way to a bright future should not be hindered by increases that create financial barriers while doing nothing to improve the efficiency or services provided by USCIS.

USCIS Should Not Impose a Fee to File for Asylum

²² 81 Fed. Reg. 50244.



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USCIS plans to impose a \$50 fee for those filing for affirmative asylum. The United States recognizes the right of asylum for people fleeing persecution. Introducing an unprecedented fee for asylum threatens to restrict life-saving access to the legal system. In doing so, the U.S. would join just three other countries (Iran, Fiji, and Australia) with such oppressive requirements.

As a signatory to the 1967 Protocol of the 1951 Convention Relating to the Status of Refugees, the U.S. has an obligation to accept asylum seekers who seek protection. Refusing asylum applicants for the inability to pay would effectively cause the U.S. to break its treaty obligations and flies in the face of the basic intent of the 1980 Refugee Act. In fact, the vast majority of countries who are signatories to the 1951 Convention or 1967 Protocol do not charge a fee for an asylum application.²³

The United States has long been a world leader in refugee protection. If the United States imposes a filing fee for asylum, other countries may begin to do the same. This could have disastrous effects on the ability of vulnerable people worldwide to find meaningful and lasting protection, especially when the number of refugees and displaced people are at historic highs. The U.S. should adhere to its international and domestic obligations and not refuse asylum seekers their chance to seek protection simply for the inability to pay.

IRC works daily with asylum seekers. Since the beginning of 2019, over 6,000 parents and children seeking asylum have received emergency humanitarian assistance from the IRC in Phoenix, including nearly 1,000 individuals served at the 24/7 Welcome Center since its opening this summer. At the Welcome Center, IRC provides critical, immediate services to those being released from detention in route to their final destinations where they can pursue legal protections under asylum. We also provide social support services to around 100 asylum seeking families in key destinations in the U.S. Many of the asylum seeking families arrive in the U.S. with little to no resources, and do not immediately have access to employment in the U.S. In fact, asylum seekers can only apply for employment authorization after 150 days have lapsed since they applied for asylum and the application is still pending.²⁴ This means that individuals and families have no lawful access to financial means of paying a fee for asylum.

Furthermore, many of the asylum seekers are dealing with trauma based on the nature of the persecution they have experienced, which serves as the basis for the protections they are seeking to lawfully access in the U.S. This compounds the stress and burden of barriers, such as a fee for asylum, increasing mental stress and having detrimental impact on health. In a humanitarian context, where these individuals have survived persecution, inflicting additional burdens on health and security counters the freedom and equality that are cornerstones of U.S. democracy.

²³ See Zolan Kanno-Youngs and Miriam Jordan, *New Trump Administration Proposal Would Charge Asylum Seekers an Application Fee*, N.Y. TIMES, Nov. 8, 2019, <https://www.nytimes.com/2019/11/08/us/politics/immigration-fees-trump.html> (Noting that the United States would be only the fourth country in the world to charge a fee for asylum).

²⁴ 8 CFR § 208.7.



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Naturalization Fees Should Be Affordable

The proposed fee schedule would increase the filing fee for naturalization from \$640 to \$1,170, an 83 percent increase. This substantial increase would make naturalization less accessible for low-income and working class people. The benefits of naturalization to individuals and the U.S. society cannot be overstated and the application must not be overpriced in order to avoid suppressing access to the benefits. “Citizenship can serve as a catalyst for immigrants to become more: dedicated to democratic principles; informed about the Constitution; engaged in political elections; represented in the political system; proficient in the English language; unified as families; employable in higher paying jobs; and integrated within a wider circle of people and institutions.”²⁵ With approximately 9 million Lawful Permanent Residents, or LPRs, eligible to naturalize who have not yet filed,²⁶ and the significant benefits that immigrant integration brings to the United States, it is in the country’s best interests to incentivize naturalization by maintaining a low application fee.

In combination with the elimination of the fee waiver, the fee increase for naturalization would make citizenship unattainable for low-income immigrants. Congress has called on USCIS to keep the pathway to citizenship affordable and accessible.²⁷ Pursuant to this expectation, USCIS has historically redistributed a portion of the cost of naturalization applications among other application fee types to subsidize affordable naturalization and encourage immigrant integration.²⁸ This proposed fee rule would abandon that historic practice and charge the actual cost of naturalization to applicants, disregarding the agency’s previous concern for incentive and the affordability of naturalization. The proposed fee increase is contrary to Congressional intent, and contrary to the interests of the United States society and economy.

In FY19, the IRC assisted over 7,000 individuals in becoming U.S. citizens. This adds to IRC’s long history of providing naturalization services. Six IRC offices are current grantees under USCIS’ Citizenship and Assimilation Grant Program. 59% of all N-400s submitted in FY19 qualified for fee waivers. IRC’s population is largely comprised of humanitarian immigrants, including refugees, asylees, and Special Immigrant Visa holders. It is imperative that these individuals be able to continue to access naturalization services, regardless of wealth and ability to pay. These individuals have faced hardship and have found freedom and opportunity in the U.S. Naturalization allows them to continue on a trajectory of civic participation and integration, economic security, and social stability. Wealth should not determine the level of rights immigrants are able to secure in the U.S. This is in direct opposition to the U.S. value of equality.

²⁵ JEFF CHENOWETH AND LAURA BURDICK, CATHOLIC LEGAL IMMIGRATION NETWORK, A MORE PERFECT UNION: A NATIONAL CITIZENSHIP PLAN, at vii, <https://cliniclegal.org/resources/guides-reports-publications/more-perfect-union-national-citizenship-plan>.

²⁶ Robert Warren and Donald Kerwin, *The US Eligible-to-Naturalize Population: Detailed Social and Economic Characteristics*, 3 J. Migration & Hum. Security 306, 306 (2015).

²⁷ H. Rep. No. 115-948 accompanying H.R. 6776, the Department of Homeland Security Appropriations Act (2019).

²⁸ See, e.g., U.S. Citizenship and Immigration Services Fee Schedule, 75 Fed. Reg. 58,975, www.govinfo.gov/content/pkg/FR-2010-09-24/pdf/2010-23725.pdf.



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For the reasons provided here, the IRC calls upon USCIS to promptly withdraw the provisions of its proposed fee schedule that would make immigration benefits less accessible to hard-working families and vulnerable people. USCIS has not used the filing fees applicants have already paid to USCIS efficiently, and applicants must not be expected to bear a significant increase in fees without improvement in processing times, backlogs, and customer service.

Thank you for the opportunity to submit comments on the proposed fee schedule. Please do not hesitate to contact Olga.Byrne@Rescue.org to provide further information.

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