



CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

Practice Tips: USCIS Fee Schedule Changes

United States Citizenship and Immigration Services, USCIS, released its [final rule](#) regarding fee schedule and fee waiver changes, published in the Federal Register on Aug. 3, 2020. The rule will become effective on Oct. 2, 2020. Despite significant and unprecedented [opposition](#) to the proposed rule, the final rule proceeds with significant increases in the fees associated with the most common application types filed by CLINIC network agencies. The final rule also drastically reduces the availability of fee waivers. CLINIC's analysis of the final rule and other resources can be found [here](#). In anticipation of the application surge for many benefits just before the fee changes go into effect, we suggest the following practice tips to prepare your legal services programs.

1. Read the [USCIS final rule](#) on fee schedule changes closely or study CLINIC's analysis of the final rule. Based on what you have learned, identify clients and cases that will be most impacted by the final rule.
 - a. Current clients: Use your case management software database to run reports on open cases by type and determine if all applications not yet filed can be submitted before higher fees go into effect, factoring staff productivity to meet this goal. Review these reports with your staff and prioritize cases that need to be filed before the fee increases and the elimination of most fee waivers. As a good practice, CLINIC recommends only opening non-humanitarian cases that are 100% eligible, 100% ready and 100% paid to ensure staff's ability to file an application in approximately five business days.
 - b. Potential clients: Get the word out quickly to the community so they are aware of the fee increases beginning Oct. 2, 2020, and have time to schedule a consultation and file applications under the current fee rule and fee waiver policies. Use your website and social media accounts to spread the word. Consider reaching out and offering to speak on local language-specific and English broadcasts.
2. Assess your program's current capacity and resources in meeting a surge of applications. Affiliates tell of significant spikes in consultations and filing applications prior to previous fee schedule changes, and it is likely be the same this time around. Determine who is able to take on new cases in addition to filing cases for existing clients, and how you can provide your staff with extra support during this time, whether it is hiring temporary contractors or engaging volunteers.
3. Be creative and consider different service delivery models that will allow your program to respond to an increased volume of applications. If your case management system allows, as LawLogix does, give

your new clients an access code to finish the application to the best of their ability with completion and quality review by staff before filing. This works well for DACA and other renewal applications. Additionally, for naturalization or possibly refugee/asylee adjustments of status, consider conducting a socially-distanced or virtual workshop using staff and volunteers. Such events have been conducted by dozens of New Americans Campaign naturalization sites since COVID-19 pandemic began.

4. Remember that in addition to fee increases, USCIS will eliminate fee waivers for naturalization, green card renewals, employment authorization documents and many other benefits. Communicate to clients about fee waivers that are currently available and encourage them to apply before the fee waiver changes go into effect. If this is not possible, research other sources of funds or safe short-term loans to assist clients who will need assistance with filing fees.
5. Carefully review your cases before filing. Make sure that you completely fill out forms, leaving no blank spaces, include all of the required initial evidence, correct filing fee or fee waiver form, signature pages and filing address so applications are not rejected by USCIS and returned to you after the final rule's effective date. You will also want to mail these applications using a reliable service that offers tracking so that you can obtain proof of delivery in case USCIS erroneously rejects them.
6. Remember that USCIS may deny or reject certain application types that are filed too early:
 - Note that this does not apply to DACA applications. While USCIS recommends filing between 150-120 days prior to expiration, USCIS advises that it will not reject earlier filed applications.
 - Your client must qualify for naturalization in terms of continuous residence and physical presence when the application is submitted. It will otherwise be rejected or denied by USCIS.
7. Once the new fees go into effect, revise your client agreements, checklists and resources to update all references to USCIS fees and fee waivers.
8. Speak with leadership about fundraising strategies, including appealing to individual donors. Due to COVID-19 and now increased USCIS application fees, it is likely that open cases and fee revenue may decrease further. To ensure that your immigration program is prioritized to receive donations, prepare key data points on immigration program outputs and outcomes as well as client stories to use in appeals. Please see this CLINIC [resource](#) that can help you.