Presenters

- Jill Marie Bussey, Director of Advocacy
- Jennifer Riddle, Staff Attorney, Training and Legal Support
- Minyoung Ohm, Section Manager/Field Support Coordinator, Capacity Building
- Karen Sullivan, Advocacy Attorney for Federal Advocacy and Liaison

Agenda

- State of Play
- Final Rule Fee Schedule Changes
- How to Prepare Your Program
- Ongoing advocacy
- Resources review
- Q&A
State of Play

- USCIS Biennial Fee Review 2018/19
- Proposed rule (NPRM) opened public comment period Nov. 14 - Dec. 16, 2019
  - Extended to Dec. 30
  - Extended again Jan. 24 - Feb. 10, 2020
- Final Rule published Aug. 3, 2020
- Scheduled to take effect Oct. 2, 2020

Poll for Agencies

For agencies and organizations: Did your program or organization submit a comment during one of the public comment periods?
- Yes
- No
- Uncertain
Final Rule on Fee Schedule and Fee Waiver Changes

- Effective Oct. 2, 2020 (postmark rule applies)
- Table of contents (p. 1)
- Summary of final rule provisions (p. 3)
- Table 1 summarizing fee changes (pp. 4-5)
- Table 3 lists forms w/out fees or waiver eligible (p. 25)
- Table 4 summarizes filing fee exemptions (pp. 41-43)
- Table 5 lists fees for online filing (p. 45)

https://www.govinfo.gov/content/pkg/FR-2020-08-03/pdf/2020-16389.pdf

### Notable Fee Increases

<table>
<thead>
<tr>
<th>Form Type</th>
<th>Current Fee</th>
<th>New Fee</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-400*</td>
<td>$640 (or $320)</td>
<td>$1,170</td>
<td>83% (226%)</td>
</tr>
<tr>
<td>I-130*</td>
<td>$535</td>
<td>$560</td>
<td>5%</td>
</tr>
<tr>
<td>I-751</td>
<td>$595</td>
<td>$760</td>
<td>28%</td>
</tr>
<tr>
<td>I-129/MISC*</td>
<td>$460</td>
<td>$695</td>
<td>51%</td>
</tr>
<tr>
<td>I-192</td>
<td>$930</td>
<td>$1,400</td>
<td>51%</td>
</tr>
<tr>
<td>I-929</td>
<td>$230</td>
<td>$1,485</td>
<td>546%</td>
</tr>
<tr>
<td>I-539*</td>
<td>$370</td>
<td>$400</td>
<td>8%</td>
</tr>
<tr>
<td>I-360</td>
<td>$435</td>
<td>$450</td>
<td>3%</td>
</tr>
</tbody>
</table>

* $10 discount if filed online
### Notable Fee Increases (cont.)

<table>
<thead>
<tr>
<th>Form Type</th>
<th>Current Fee</th>
<th>New Fee</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-131</td>
<td>$575</td>
<td>$590</td>
<td>3%</td>
</tr>
<tr>
<td>I-765 (non-DACA)</td>
<td>$410</td>
<td>$550</td>
<td>34%</td>
</tr>
<tr>
<td>I-601</td>
<td>$930</td>
<td>$1,010</td>
<td>9%</td>
</tr>
<tr>
<td>I-601A</td>
<td>$630</td>
<td>$960</td>
<td>52%</td>
</tr>
<tr>
<td>I-212</td>
<td>$930</td>
<td>$1,050</td>
<td>13%</td>
</tr>
<tr>
<td>I-290B</td>
<td>$675</td>
<td>$700</td>
<td>4%</td>
</tr>
<tr>
<td>N-336*</td>
<td>$700</td>
<td>$1,735</td>
<td>148%</td>
</tr>
<tr>
<td>I-589</td>
<td>$50</td>
<td>$50</td>
<td>-</td>
</tr>
</tbody>
</table>

* $10 discount if filed online

### Notable Fee Decreases

<table>
<thead>
<tr>
<th>Form Type</th>
<th>Current Fee</th>
<th>New Fee</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-129F</td>
<td>$535</td>
<td>$510</td>
<td>5%</td>
</tr>
<tr>
<td>I-140</td>
<td>$700</td>
<td>$555</td>
<td>21%</td>
</tr>
<tr>
<td>I-90*</td>
<td>$455</td>
<td>$415</td>
<td>9%</td>
</tr>
<tr>
<td>N-600*</td>
<td>$1,170</td>
<td>$1,000</td>
<td>15%</td>
</tr>
<tr>
<td>USCIS immigrant fee</td>
<td>$220</td>
<td>$190</td>
<td>14%</td>
</tr>
<tr>
<td>Biometric services (non-DACA)</td>
<td>$85</td>
<td>$30</td>
<td>65%</td>
</tr>
</tbody>
</table>

* $10 discount if filed online

### Other Notable Fee Changes

<table>
<thead>
<tr>
<th>Form Type</th>
<th>Current Fee</th>
<th>New Fee</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-485</td>
<td>$1,140</td>
<td>$1,130</td>
<td>1% decrease</td>
</tr>
<tr>
<td>I-485 for child under 14</td>
<td>$750</td>
<td>$1,130</td>
<td>51% increase</td>
</tr>
<tr>
<td>Bundled I-485 (w/ biometrics) + I-765 + I-131</td>
<td>$1,225/750</td>
<td>$2,270</td>
<td>85% increase (203% child)</td>
</tr>
<tr>
<td>I-765 (DACA only)</td>
<td>$410</td>
<td>$410</td>
<td></td>
</tr>
</tbody>
</table>
Notable Changes to Fee Waivers

• Eliminates fee waivers for most applications, except where required by law (certain humanitarian applications)

• Narrows the fee waiver eligibility criteria

Changes to Naturalization Fee

• N-400 fee will increase from $640 to $1,170

• Fee waivers for N-400 will be eliminated

• Removes the reduced fee option ($320) for applicants with household incomes greater than 150% and not more than 200% of the Federal Poverty Guidelines (i.e. eliminates the I-942)

Changes to Adjustment of Status Fee

• New I-485 fee will be $1,130

• “Unbundling” adjustment of status and interim employment authorization and advance parole raises overall cost of package from $1,225 to $2,270

• Cost for child under 14 filing I-485 with a parent will increase from $750 to $1,130
Changes to I-765 Fee

• I-765 fee will increase from $410 to $550 (not DACA)

• Fee waivers mostly eliminated

• No fee waivers for asylum applicant’s initial I-765

• Initial I-765 for asylee/refugee will still be fee exempt

• Initial TPS registrants who are under 14 or over 65 will no longer be exempt from I-765 fee

New I-589 Fee

• $50 fee for I-589 cannot be waived

• Will apply to I-589s filed with USCIS

• Fee will not apply to unaccompanied minors in removal proceedings filing with USCIS

• Principal asylum applicants who pay this fee may reduce their subsequent I-485 fee by $50

No Changes to DACA Renewal Fees

• DACA renewal applicants will still pay $410 for I-765 and $85 for biometrics

• No waiver available

• Very limited fee exemption

• Following July 28, 2020 memo, DACA grants and EADs limited to 1 year
Changes to Biometric Fees

- The costs of biometrics will be incorporated into the new fees for most application types

- When required, separate biometric fee will decrease to $30 (except DACA)

- For example, $30 biometrics fee required for TPS applicants/re-registrants and for I-765 filed by pending asylum applicants

Fee Waiver Changes

- 8 CFR § 103.7 lists fees that may currently be waived

- USCIS will eliminate fee waivers for most application types:
  - I-90 Application to Replace Permanent Resident Card
  - I-751 Petition to Remove Conditions on Residence
  - I-485 Adjustment of Status
  - I-765 Application for Employment Authorization
  - N-400 Naturalization (including I-942 Request for Reduced Fee)
  - N-600 Application for Certificate of Citizenship
  - N-336 Request for Hearing on Decision in Natz Proceedings
  - I-589 Application for Asylum and Withholding of Removal

Fee Waiver Changes (cont.)

- Fee waivers will be limited to instances where they are required by law:
  - VAWA self-petitioners
  - T nonimmigrants
  - U nonimmigrants
  - Certain battered spouses and children
  - TPS applicants
  - Special Immigrant Juveniles
  - Afghani/Iraqi special immigrants

- See Table 3 (p. 25 of final rule)
Changes to Fee Waiver Eligibility

Currently, may qualify if:

• Annual household income at or below 150% of FPG OR
• Receive a means-tested benefit OR
• Financial hardship

As of Oct 2, may qualify if:

• Applicant has annual household income at/below 125% of FPG AND USCIS is required by law to consider a fee waiver for that benefit OR
• Applicant has annual household income at/below 125% of FPG AND USCIS Director authorizes a fee waiver for a specific form due to emergent circumstance or declared national disaster

HOW TO PREPARE YOUR PROGRAM

• Staff Education
• Client Education
• Community Outreach
• Partnership with other entities in education/outreach
• Help against misleading, false information, and notarios
Analysis of Existing Cases

- Analysis of client database to see what cases are in pipeline and need to be filed before Oct 2.
- Staff allocation and distribution
- Balance between speedy filing and careful/meticulous filing preparation

New Cases/Consultations

- Realistic assessment – how many cases can you take on?
- Consider models of legal service delivery
- Track consultations that don’t lead to application
- Partner with local parishes, foundations, others to help with fees

Budget Implications

- Determine impact on current and next fiscal year budget
- Create a business plan that makes your program sustainable despite the USCIS fee increase
- Search out grants and donations
- Learn to utilize your data to appeal to funders
Resources

- https://cliniclegal.org/resources/program-management/practice-tips-uscis-fee-schedule-changes
- https://cliniclegal.org/training/archive/decrypting-your-program-successes

Advocacy

Poll for Agencies

For agencies and organizations: Do you expect the fee changes to impact your program’s sustainability?

- Yes
- No
- Uncertain
Ongoing Advocacy

- CLINIC will monitor the implementation of the rule and any guidance issued.
- Once the rule takes effect, CLINIC affiliates should report any USCIS errors or unexpected results to advocacy@cliniclegal.org

Litigation

- Fee Waivers: The Court in City of Seattle v. DHS extended the injunction on fee waiver changes previously proposed, and it will remain in place until the final rule goes into effect.
- Project Citizenship has filed suit regarding the Citizenship portions of the Fee Schedule
- Other litigation is likely to be filed.

Other Advocacy Considerations

- USCIS furloughs may happen.
  - If no congressional funding deal is reached, furloughs would begin August 30
  - Expect 4-6 weeks of very limited services
  - Call Center staff reduced dramatically
  - Emergency field office appointments may be available, but difficult to schedule.
  - Adjudication paused, although contractors at lockboxes may continue to accept applications.
Other Advocacy Considerations

- Furloughs Cont’d
  - Consider the timing of the furloughs and the surge in applications before the fee increases
  - Consider the possibility that cases filed during the surge and furlough may be rejected at the lockbox; plan time to refile before fees increase.
  - How to seek help: Ombudsman, Congressional intervention, CLINIC services

Advocacy Resources

- USCIS Fee Changes landing page
  https://cliniclegal.org/issues/fee-schedule-changes
- Guidance for working with the Ombudsman
  https://cliniclegal.org/resources/uscis-policy-and-procedure/tips-elevating-cases-cis-ombudsmans-office
- Background: USCIS’ Self-Induced Financial Crisis
Thank You for Learning with Us!

CLINIC envisions a country where every immigrant has access to affordable, quality immigration legal services. Stay involved, build your expertise, and empower your community. For the latest immigration happenings, CLINIC trainings, and newest resources, we invite you to sign up for e-news updates. Follow us on Facebook and Twitter, visit our homepage for featured blogs and resources, and check our calendar of events to stay informed.

Support CLINIC.
To support CLINIC’s mission and foster welcoming communities, make a donation at cliniclegal.org/donate.

Catholic Legal Immigration Network, Inc.

National Office
8757 Georgia Avenue, Suite 850
Silver Spring, MD 20910
Main Phone: (301) 565-4800
Main Fax: (301) 565-4824

cliniclegal.org
fb.com/cliniclegal