



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.



Toolkit for State and Local Governments on USCIS Proposed Fee Changes

Summary of proposed fee changes

Fee changes proposed by U.S. Citizenship and Immigration Services, or USCIS, will significantly increase filing fees for various immigration benefits, including Naturalization, Lawful Permanent Residency, Deferred Action for Childhood Arrivals, or DACA, and Employment Authorization. The agency has proposed, for the first time, to charge a fee to apply for asylum. The proposed changes were published Nov. 14, 2019, with a public comment period through **Dec. 16, 2019**.

USCIS also proposes to eliminate fee waivers for all forms, except those required by statute (i.e., VAWA self-petitioners, battered spouses of certain nonimmigrants, U visas, T visas and TPS). It also plans to transfer \$207.6 million in applications fees from USCIS to Immigration and Customs Enforcement (ICE). If implemented, the combination of dramatically increased fees and elimination of fee waivers would severely affect low-income and minority communities. It will limit access to citizenship, employment opportunities and life-saving legal protections.

State and local officials have a vested interest in mitigating the harm the proposed changes could have. Immigrants are key stakeholders in community development and economic prosperity. Often, their ability to continue contributing resources, innovative skills and culture is tied to immigration status.

This toolkit highlights the severe impact USCIS policy changes could have on states and localities, and offers talking points local officials may use to develop comments in opposition. In addition, it suggests additional steps officials can take to stand with immigrants in their communities and prepare them for possible implementation of the rule.

In this toolkit:

- Topline messaging: Impact of proposed fee changes on states and localities;
- Template comment with instructions for state and local governments;
- Model resolution for cities; and
- Template letter for cities to the Administration.

Key parts of the proposed rule that would affect low-income and minority communities include:

Immigration Benefit	Current Fee	Proposed Fee	Percent Increase
Adjustment of Status (Green Card) One-Step Filing (Forms I-485, I-765, I-131) (new rule un-bundles forms)	\$1,225	\$2,195	79%
Affirmative Asylum (Form I-589)	\$0	\$50	N/A
DACA Renewal (Form I-821D)	\$0	\$275	N/A
Employment Authorization (work permit) (Form I-765)	\$410	\$490	20%
Naturalization (Form N-400)	\$640	\$1,170	83%
Petition for Alien Relative (Form I-130)	\$535	\$555	4%
Petition for Family Member of U Nonimmigrant (I-929)	\$230	\$1515	559%
Application to Replace Permanent Resident Card (Form I-90) (Form also used to renew green card)	\$455	\$415	-9%

Topline Messaging: Impact of proposed changes on states and localities

- The fee changes would harm state and local economies and workforces. The large increase in fees could limit immigrants’ access to documentation they need to work, drive, and to prove lawful presence in the United States. This could lead to loss of employment and a significant decrease in state revenue from income and consumer taxes, as well as fees for state-provided services such as driver's licenses.
- Low-income residents would be disproportionately harmed by USCIS fee changes. The proposals would assess a fee for the life-saving protection of asylum, and significantly increase fees for DACA renewals, a green card and naturalization. Workers earning minimum wage, for example,

will be less able to renew status or advance in the immigration process. This will hinder immigrants' ability to fully integrate, even as state and local governments promote integration.

- The excessive increase of naturalization fees will deny long-time residents, who are deeply rooted in communities across the country, the chance to become citizens, limiting their participation in civic and democratic processes including voting and jury service.
- The new fee policy punishes immigrants for USCIS mismanagement of its resources. It would take funds from immigrants' pockets and give them to ICE, which unfairly targets members of their community at courthouses and workplaces for deportation.
- These changes will require additional local resources to combat *notario* fraud and other types of consumer fraud against immigrants. Low-income and newly arrived immigrants will be more likely to turn to dishonest providers who charge fees for incompetent advice in immigration cases. Residents of underserved, rural communities are especially susceptible to such harmful practices.
- The proposed fee changes are yet another attack on minority communities by the administration. Higher fees, the elimination of many opportunities for fee waivers and fee exemptions, as well as the new public charge rule, exclude minorities from the immigration process. Many of the most-affected people come from African, Caribbean, Central American and Muslim-majority countries. Many arrive with limited resources and in search of asylum and other protections, as well as employment and educational opportunities.

Some things state and local governments can do to fight:

- Submit comments by **Dec. 16, 2019** to oppose USCIS benefits request fee increase. See template comment and instructions beginning at page 4.
- Adopt a resolution against the Trump administration's attack on low-income and minority immigrants and its unwavering efforts to block peoples' access to immigration benefit and life-saving legal protections. Template available on page 10.
- Join forces with other state and local government officials to call for a congressional investigation into USCIS' use of its resources. Demand transparency in its regulatory fee reviews.
- Collaborate with nonprofits and other stakeholders to provide funding to assist low-income residents in applying for naturalization, green cards and asylum before the new fees take effect. Public-private funding partnerships is an option to help offset the cost.
- Invest in strengthening protections for immigrants against *notario* fraud, predatory lending, and other types of consumer fraud that target immigrants. Work with community partners to warn the public about such fraud, especially in underserved areas.

To learn more about the proposed fee changes or obtain additional resources:

- Catholic Legal Immigration Network Inc (CLINIC): cliniclegal.org/fee-schedule-changes
- National Partnership for New Americans (NPNA): partnershipfornewamericans.org

USCIS FEE SCHEDULE TEMPLATE COMMENT - INSTRUCTIONS

Attached is a template to help you draft a public comment in response to the administration's proposed USCIS fee schedule that disproportionately targets vulnerable and low-income immigrants. (Read more about the proposed rule [here](#).)

Why submit a public comment? When the federal government proposes a new rule, they are often required (by the Administrative Procedure Act) to give the public an opportunity to read the rule and submit comments. The comment you submit will be public record and available for anyone to read. After the comment period closes, the government agency that proposed the rule should read all of the comments submitted, and consider them when drafting the final version of the rule. If a very large number of people submit comments, and those comments identify significant problems with the regulation, then it may longer for the final rule to be published and take effect, or the agency may make amendments to the rule.

How do I submit a comment? Comments may be submitted online at regulations.gov [click [here](#) to go directly to the fee schedule]. Click on the "comment now" button and either enter your comment in the text box (must be fewer than 5,000 characters) or upload your comments as a PDF. There are also step-by-step commenting instructions available [here](#). Below are some important tips to keep in mind as you are drafting your comment.

Write comments in your own words. The template on the following pages is intended to help guide you and give you an example and ideas, but *the comment should be your original words*. Feel free to delete whole sections or paragraphs and replace them with your organization's perspective on the issue. USCIS will bundle any comments that are too similar to each other, and they may be considered as one comment, rather than as individual submissions.

It may be helpful, prior to drafting your comment, to do some research on your own program and practice, the demographics of your clients, and the local community. Consider what aspects of the rule will be particularly troublesome to your organization and your clients. Gather some numbers and statistics that you can use to demonstrate how many of your clients or people in your community will be affected, how and to what extent, and at what financial cost.

The template comment below has a two-page body, and the pages following the body contain individual paragraphs on various topics that your organization may be interested in addressing. You can review the paragraphs, and pull any of particular interest to you into the main body of the letter, then customize the language to fit your own organization's position and experiences.

Attach research and supporting documents. If you cite to statistics or supporting documents in your comments, we recommend including them as an attachment so that they are clearly part of the administrative record. Another option is to include a live link to cited sources. If you include links, specifically request that the agency read the material at these links.

If you have experience in an issue area, say so. If you are a subject matter expert and want to offer comments on your area of expertise, explain why you are qualified to offer this perspective. Feel free to explain your educational and professional background, or attach a copy of your CV to your comments.

Provide contact information for a representative of the state agency or local government office. Government comments should be signed by a representative of the agency, and provide the business contact information of the representative for any follow-up questions or concerns. However, keep in mind that this comment will be publicly available, so personal addresses or cell phone numbers are not recommended.

TEMPLATE COMMENT FOR STATE AND LOCAL GOVERNMENTS

[DATE]

Submitted via www.regulations.gov

Ms. Samantha Deshombres, 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 Deshombres:

[State or Local Government Agency] respectfully submits this comment on the proposed U.S. Citizenship and Immigration Services (USCIS) Fee Schedule, published on November 14, 2019. We oppose provisions of the proposed fee schedule that limit people's ability to apply for life-saving legal protections and advance in the immigration process, and therefore, request that USCIS withdraw all provisions that make immigration benefits less accessible to low-income and other vulnerable immigrants.

[Insert a paragraph describing your state agency or local government office and why this is an urgent matter for your office and constituent. Briefly discuss your expertise and local services or initiatives on the issues raised].

USCIS proposed policy increases fees and eliminates fee waiver options for the most commonly used immigration benefit forms by low-income immigrants. These changes would result in many problems for residents in our communities, including financial hardships for low-income and minority families, hinder people's ability to apply for or renew immigration documents they need for work, school, and to access critically-need community services. In addition, the proposal would increase immigrants' dependence on debt to finance applications, and ripen conditions for fraudulent immigration service providers, such as *notarios*, to prey on people who may seek professional legal guidance with their immigration matter.

[Select paragraphs below that apply to your office's concerns and the local services or initiatives that promote immigrant integration. Please continue to customize the language to make it unique to your office.]

Therefore, USCIS should immediately withdraw its fee schedule proposal as it presents a significant barrier for hard-working families and vulnerable people in our communities to access immigration benefit and life-saving legal protections.

Thank you for the opportunity to submit comments on the proposed fee schedule. Please do not hesitate to contact [\[Insert contact information\]](#) for further information.

Name

Title

STATE OR LOCAL GOVERNMENT AGENCY

Optional talking points for Comment:

The fee changes would harm state and local economies and workforce.

The Pew Research Center analyzed the American Community Survey for unemployment rates for immigrants in 2017 and noted that immigrants who arrived in the past 5 years had a 7.1 percent unemployment rate. In addition, immigrants who have lived in the United States for more than 10 years had a 3.9 percent unemployment rate.¹ When people are unable to obtain a green card or renew immigration documents that provide proof of lawful work status, they face losing their jobs, occupational licenses, and ability to provide for their families. They are taken out of the workforce and are unable to continue investing their resources into the local economy as homeowners, consumers, and taxpayers. Employers, including schools, hospitals and state agencies, lose workers, increasing the state's unemployment rate.

[Include data that demonstrates how immigrants have improved your state or local economy and work force, and why your agency or office is concerned about this issue]

The fee increases and elimination of fee waiver options disproportionately impact low-income residents.

Charging a fee for asylum and increasing fees for DACA renewals, green cards, and citizenship would price out low-income and minority families. For the millions of immigrants who earn minimum wage, applying for a green card or citizenship would require a full month's pay, at least, forcing families to make the impossible decision of choosing between providing their basic needs and pursuing an immigration benefit. The proposed changes present an additional barrier for immigrants to obtain the documents they need for work, school, a driver's license, and to access community services.

[Include data or describe why your office or agency is concerned about this issue]

Staggering fee increase for naturalization denies access to citizenship and civic engagement.

¹ Jynnah Radford and Jens Manuel Krogstad, *Recently arrived U.S. immigrants, growing in number, differ from long-term residents*, June 3, 2019, www.pewresearch.org/fact-tank/2019/06/03/recently-arrived-u-s-immigrants-growing-in-number-differ-from-long-term-residents/.

The DHS Office of Immigration Statistics in its May 2019 reports that in 2015 more than 9 million green cardholders were eligible to naturalize. The Office of Immigration Statistics reports about 2.2 million people naturalized between 2015 and 2017.² USCIS reports in its Naturalization Factsheet that about 756,000 people naturalized in 2018³, bringing the total number of naturalized persons since 2015 to, roughly, under 3 million — less than half the eligible population. Existing fees discourage many immigrants from naturalizing; higher fees will further discourage it. A combination of the 83 percent naturalization fee increase, removal of the fee waiver option, plus a 9 percent decrease in green card renewal fees, suggest a scheme by USCIS to prevent long-time immigrant residents from becoming U.S. citizens, excluding them from participating in the civic process as voters, jurors, and public servants.

[Include data or describe why your office or agency is concerned about this issue]

The new fee policy punishes immigrants for USCIS’ mismanagement of its resources.

The agency increased benefit request fees in 2016. Though the agency is required to reassess and adjust its fee schedule appropriately, an excessive percent increase as much as 83 percent and 79 percent for the same benefits that saw a fee increase in 2016 and without a rational justification, suggests mismanagement and inefficiency in operating its resources. Rather than remedy its operational defects through cost-effective measures, the agency is unfairly burdening immigrants with exorbitant application fees.

[Include data or describe why your office or agency is concerned about this issue]

Higher fees increase immigrants’ vulnerability to immigration services fraud and frustrates state agencies efforts to combat fraud.

Substantial fee increases ripens the environment for predatory providers such as *notarios* and other unauthorized and unqualified individuals to target immigrants. They offer false hope with promises to help navigate the complex and costly U.S. immigration system. People will quickly seek professional guidance with their immigration case before the new fees take effect. Those who cannot afford the services of an attorney are likely to fall prey to unscrupulous actors or predatory lenders. This is especially true for prospective applicants who live in underserved areas, far from nonprofits that provide *pro bono* or low-cost assistance.

[Include data or describe why your office or agency is concerned about this issue.]

² The Office of Immigration Statistics, Yearbook of Immigration Statistics <https://www.dhs.gov/immigration-statistics/yearbook/2017>; See Naturalizations 2017 Tables (20-24).

³ USCIS Naturalization Fact Sheet, available at <https://www.uscis.gov/news/fact-sheets/naturalization-fact-sheet>.

TEMPLATE LETTER FOR ELECTED OFFICIALS

November __, 2019

The Honorable Chad F. Wolf
Acting Secretary
Department of Homeland Security
245 Murray Lane, S.W.
Washington, DC 20528

The Honorable Mark Koumans
Acting Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC 20529

The Honorable Paul Ray
Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
757 17th Street, NW
Washington, DC 20503

Re: Proposed Rule Increasing Fees for Citizenship, Lawful Permanent Residency, Deferred Action for Childhood Arrivals, and Asylum, and Transferring Funds from U.S. Citizenship and Immigration Services to Immigration and Customs Enforcement for Enforcement Purposes

Dear Mr. Wolf, Mr. Koumans, and Mr. Ray,

I am writing to oppose the proposed rule on U.S. Citizenship and Immigration Services (USCIS) Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, CIS No. 2627-18; DHS Docket No. USCIS-2019-0010, RIN 1615-AC18, respectfully request that USCIS withdraw the proposed rule, and instead work to develop a welcoming and inclusive society for immigrant and refugee communities.

The approximately nine million immigrants who are eligible for citizenship have been in the United States and have been a part of our communities for years, if not decades; have come to this country in search of a better life; and with their families have contributed so much to their communities and our economy. The opportunity for them to naturalize is as old as the nation itself, was created by the

Constitution, and is codified in federal law. It has long contributed to our strength, diversity, and prosperity.

There are many others who seek immigration benefits with deep roots in the United States. Lawful permanent residents are a part of our communities and families and contribute greatly in our workplaces. Recipients of Deferred Action for Childhood Arrivals (DACA) have grown up here, know no other home and enjoy broad public support to become full-fledged Americans.

Asylum seekers come here because they have no other choice and have a legal and human right to seek asylum. Our welcoming them shows that we are a nation of refuge that upholds our obligations under international and domestic law. Other immigrants, like victims of crime who have suffered physical or mental abuse and have received a U Visa, deserve a safe place to live with their families. Efforts to shut the door on them and deny them their rightful place in the U.S. by charging exorbitant application fees fail to uphold our humanity and our values.

These immigrants, and millions more who make this country what it is, are not only family members, neighbors, and friends, they are a critical part of our **city/state**.

It is for these reasons that we oppose the proposed rule that increases application fees for citizenship, lawful permanent residency, DACA, asylum, and other applications. These price hikes, as well as the elimination of most fee waivers, will effectively price out low-income and working class immigrants and send the wrong message that access to the American Dream depends on your class and level of wealth.

It is fundamentally immoral to increase citizenship application fees by 83 percent, from \$640 to \$1,170; increase fees associated with lawful permanent residency from \$1,225 to \$2,195; increase DACA renewals from \$495 to \$765; charge for the first time \$50 for asylum; and add a 559 percent increase in fees for a U Visa holder, who has already suffered so much and is trying to remain with their family, from \$230 to \$1,515.

It is also tragically hypocritical that USCIS rationalizes the proposed fee increases by stating that it lacks sufficient funds at the same time that it proposes to transfer \$207.6 million from USCIS fees to Immigration and Customs Enforcement for enforcement purposes, including denaturalization.

The proposed rule is not who we are and undermines our national values. We can and must do better.

We respectfully urge you to withdraw the proposed rule and seek alternative ways to address budget shortfalls and backlogs and processing delays that are less harmful and discriminatory. This could include alternative funding streams and cost-saving measures and reduction in the growing number of barriers to citizenship and other statuses for which millions are eligible.

Thank you for your attention to this matter.

Sincerely,

Name

Title

STATE OR LOCAL GOVERNMENT AGENCY

TEMPLATE RESOLUTION FOR CITIES

CITY OF _____

RESOLUTION _____

A RESOLUTION in support of expanding access to citizenship, lawful permanent residency, Deferred Action for Childhood Arrivals (DACA), asylum, and other forms of immigration status and benefits for millions of immigrants, and in opposition to USCIS' proposed fee increases to said applications, which would cause great harm to our city and nation and substantially limit access based on wealth and lack of disposable income.

WHEREAS, the City of _____ is a welcoming and inclusive city that welcomes immigrants and refugees;

WHEREAS, the City of _____ recognizes the strength, diversity, and prosperity that immigrants and refugees contribute to our city;

WHEREAS, the City of _____ is dedicated to investing in strategies that further welcome immigrants and refugees; not limit their ability to live and work in their community;

WHEREAS, newly naturalized citizens become further civically engaged, including by voting, on average earn more, and are able to contribute more fully to the economy;

WHEREAS, immigrants who are eligible for lawful permanent residency have deep roots in our country, are a critical part of our families and communities, and contribute greatly to our economy;

WHEREAS, recipients of DACA have grown up here, know no other home and enjoy broad public support to become full-fledged Americans;

WHEREAS, asylum seekers have a legal and human right to seek asylum and our domestic and international obligations require that we allow them that right;

WHEREAS, U Visa holders and other recipients of humanitarian-based visas should not be priced out of the opportunity to remain with their families;

WHEREAS, the recently proposed rule by U.S. Citizenship and Immigration Services (USCIS) would, if implemented, increase the citizenship application by 83 percent, from \$640 to \$1,170; increase fees related to lawful permanent residency from \$1,225 to \$2,195; increase DACA renewals from \$495 to \$765; charge for the first time \$50 for asylum; and add a 559 percent increase in fees for a U Visa holder, from \$230 to \$1,515;

WHEREAS, the rule would also eliminate most fee waivers, effectively pricing out immigrants based on their lack of income and class;

WHEREAS, USCIS rationalizes the proposed fee increases by stating that it lacks sufficient funds while at the same time that it proposes to transfer \$207.6 million in benefit application fees to Immigration and Customs Enforcement (ICE) for enforcement purposes, including denaturalization.

BE IT RESOLVED BY THE CITY OF _____, THE MAYOR/COUNTY EXECUTIVE CONCURRING, THAT:

Section 1. The City of _____ respectfully but strongly urges USCIS to withdraw the proposed rule to increase citizenship and other immigration statuses and benefits; eliminate most fee waivers, and transfer USCIS funds to ICE for enforcement purposes;

Section 2. The City of _____ urges USCIS to instead work to expand access to citizenship and other statuses, regardless of class, for the benefit of all.

Section 3. The City of _____ commits to working with community-based organizations, including through funding, to increase access to citizenship and other immigration statuses and benefits.

Adopted by the City Council the __ day of _____, 2019, and signed by me in open session in authentication of its adoption this __ day of _____, 2019.

President _____ of the City Council

The **Mayor/County Executive concurred** the __ day of _____, 2019.

_____, **Mayor/County Executive**

Filed by me this __ day of _____, 2019.