

All About Fee Waivers: A Training for NAC Partners

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Presenters

- Laura Burdick, CLINIC Field Support Coordinator, lburdick@cliniclegal.org
- Joyce Noche, APALC Supervising Attorney, jnoche@apalc.org
- Tony Lu, IAN/CitizenshipWorks Project Coordinator, tlu@immigrationadvocates.org

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Overview

- Fee Waiver Guidelines
- Eligibility
- Application Process
- Form I-912
- Supporting Documentation
- Practice Tips & Advocacy Strategies
- Considerations for Workshops

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Case Example

- Saba is a 62 year old refugee from Eritrea who would like to apply for U.S. citizenship so she can visit her frail, elderly mother before her mother passes away. Saba applied for citizenship 10 years ago but failed the test. She now qualifies for the 50/20 English exemption. Saba is low-income and disabled. She currently receives SSI and food stamps.

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Fee Waivers

- 8 C.F.R. § 103.7 (c)
- Based on inability to pay
- Allowed for certain applications: including N-400, N-336, N-600
- Includes biometrics fees, where applicable

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Application Form & Guidance

- Form I-912, Request for Fee Waiver and Interim Policy Guidance announced 11/23/10
- Form: <http://www.uscis.gov/USCIS/files/form/i-912.pdf>
- [Final Guidance, 3/13/11](#)
- AFM chapter 10.9, guidance, and I-912 instructions list forms and services for which fees may be waived
- Eligibility criteria standardized
- Form not mandated

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Eligibility

Three criteria:

- 1) **Public Benefits.** Currently receiving federal or state “means-tested benefit”?



- 2) **Low Income.** Annual household income at or below 150% of federal poverty level, at <http://aspe.hhs.gov/poverty> or [Form I-912P?](#)

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Eligibility, cont'd

- 3) **Financial Hardship.** Applicant facing recent unemployment, high medical expenses, etc.?



“Each fee waiver request is unique and should be considered on its own merits.”

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Eligibility, cont'd

- Waiver will *normally* be approved if applicant meets *one* of criteria
- Means-tested benefit: federal or state
- *Currently* receiving benefit
- Household defined as self, spouse, certain family members living with you: only those claimed as household members for taxes

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Special Situations

- F/T students: claimed on parents' tax return? Live with parents when not at school, unmarried, and under 24?
- Separation: Do not count spouse in household if legally separated, but do include any income spouse contributes
- Affidavit of Support: USCIS will *not* consider sponsor's income/assets
- Family Application: Can file one request, all must sign Form I-912

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Application Process

- File I-912 with supporting documentation
- Adjudication by USCIS staff at lockbox
- USCIS' goal: adjudicate requests w/in 5 days
- If approved: will get receipt for underlying application
- If denied: entire application returned with denial letter
- No appeal, but can reapply with additional information
- Historically high approval rates for N-400 fee waivers: 85%

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Form I-912, Request for Fee Waiver

- Section 1: Basic Info About Applicant
- Section 2: Info About Dependents
- Section 3: Basis for Request
- Section 4: Means-Tested Benefit
- Section 5: Household Income
- Section 6: Financial Hardship
- Section 7: Signatures of Each Applicant Aged 14 or Over

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Supporting Documentation

- Many examples in I-912 instructions:
 - Official letter/notice from benefit-granting agency showing name of agency, recipient, and current receipt of benefit
 - Federal tax returns, W-2s, pay check stubs, employment contract, letter from employer, IRS transcripts, alimony received, scholarships, Social Security, etc.
 - Documentation of all assets, i.e. property, checking and savings accounts, cash, stocks

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Supporting Documentation, cont'd

- Evidence of types and amounts of expenses, i.e. rent, mortgage, food, utilities, child care, debt payments, medical expenses, tuition
- If no evidence of income, then can use affidavits from churches and other community-based organizations providing assistance

Request may be approved in absence of documentation if sufficiently detailed

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How Much Documentation?

- Depends on criteria you apply under
- Present in order referenced in application, and number pages
- Label document if needed
- Circle name and amount on each document for easy reference
- Check your numbers/math

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Organization and Reminders

- Neat application (including signature and date)
- Include relevant supporting documentation
- Provide any necessary explanation to demonstrate that the applicant cannot pay the fee

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Organization & Reminders, cont'd

- Beware of any fraud that was committed to obtain public benefits
- Beware of any information that contradicts information provided on the N-400
- Can mark more than one basis, but can also be granted on just one basis.

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Organization & Reminders, cont'd

- Can file one fee waiver request for all members of family, but all must sign it
 - Or can file I-912 for each family member
 - Either way make sure it is clear that there are multiple family members on I-912 (cover letter may be useful to indicate all of the family members included on the fee waiver)

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Organization & Reminders, cont'd

- Include copy of principal applicant's fee waiver in every other applicant's packet
- Make sure signatures are "clear" or request could be returned
- Include date of signature

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Means-Tested Benefits

- Applicant must be the one receiving benefits (e.g., adult child living with elderly parent cannot benefit from receipt of public benefits)
 - Exceptions: spouse of person receiving benefits
- Documentation demonstrates that the applicant is currently receiving the benefit (old letters used to support a fee waiver request may be denied)
- Make sure the benefit received is means-tested (some benefits are not awarded based on means)

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Means-Tested Benefits – State Programs

- States may also provide state funded public benefits. The key is whether eligibility for the benefits is based on a person's income and resources. These benefits can be considered as means-tested.

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Household Income

- Based on household income
- Includes all forms of income and financial resources
- Include supporting docs: tax returns, pay stubs (at least the past month from date of application, statement from employer showing salary and wages)

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Calculation of Household Size

- # of dependents plus applicant and spouse (if applicable)
- If a tax return has *not* been filed:
 - Self
 - Spouse
 - Children or legal wards, unmarried, under 21
 - Children or legal wards, over 21, under 24 if F/T students
 - Children who are unmarried, physically or mentally disabled
 - Parents if they live with applicant

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Financial Hardship

- More difficult to obtain
- Requires more supporting documentation and information, including a description of the hardship
- Ensure that information is consistent with N-400

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Advocacy Tips

- Work and develop relationships with the local USCIS office (participate in stakeholder meetings)
- Write cover letters that clearly demonstrate an applicant's inability to pay the fee
- Provide information to applicants regarding eligibility for public benefits
- Don't be afraid to resubmit applications

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Problems?

- If denied in error:
 1. Resend with cover letter asking for supervisory review
 2. Contact lockbox at lockboxsupport@dhs.gov
 3. Contact Peggy Gleason at Ombudsman's Office, margaret.gleason@hq.dhs.gov

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Group Processing Workshops

- Mid-size workshops (maximum of 50)
- Training of volunteers
- Limiting services to only means-tested benefits
- Schedule smaller clinics/workshops to work on harder cases or cases based on household income and financial hardship
- Partnering with social service agencies to disseminate information at workshops
- Utilizing on-line tools = CW and fee waivers

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Resources

- Fee waiver tool in *CitizenshipWorks*
- CLINIC guide, *Strategies for Naturalizing the Most Vulnerable Applicants*, <http://cliniclegal.org/resources/strategies-naturalizing-most-vulnerable-applicants>

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Questions?



415 Michigan Ave., NE
Suite 200
Washington, DC 20017
202-635-2556
lburdick@cliniclegal.org



twitter.com/cliniclegal



facebook.com/cliniclegal

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