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Submitted via email to uscisfrcomment@dhs.gov
June 28, 2016

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TO: SAMANTHA DESHOMMES, ACTING CHIEF

Regulatory Coordination Division
Office of Policy and Strategy
US Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave. NW
Washington DC 20529-2020

EXECUTIVE DIRECTOR

Joshua Hoyt

**RE: Revisions to U.S. Citizenship and Immigration Services
Fee Schedule, DHS Docket No. USCIS-2016-0001**

Dear Chief Deshommnes,

The National Partnership for New Americans (NPNA) respectfully submits the following comments in response to proposed fee schedule that U.S. Citizenship and Immigration Services (USCIS) published in the Federal Register on May 4, 2016.

The National Partnership for New Americans (NPNA) is a national multiethnic, multiracial partnership. We represent the collective power and resources of the country's 37 largest regional immigrant and refugee rights organizations in 31 states. Our aim is to achieve a vibrant, just, and welcoming democracy for all. Immigrants are the soul of our organization, and immigrant

communities inspire, implement, and champion our work. We believe that eligible immigrants—including those who may not be able to afford USCIS fees—deserve access to deferred action programs, work authorization, and American citizenship.

NPNA and our members have led the charge to introduce and streamline implementation of the fee waiver and to stabilize the naturalization fee. In meetings with former Director Mayorkas and Director Rodriguez, we have articulated our perspective: citizenship and other immigration statuses for which individuals may be eligible must not be limited to only the wealthy and highly educated.

Our perspective is informed by our track record of delivering low cost, high quality immigration legal services to communities across the country. Our members have extensive experience assisting community members apply for citizenship, file requests for fee waivers, and access other services from USCIS. Since 2012 NPNA members have assisted over 80,600 applications for naturalization and DACA and over 13,300 fee waiver applications. We have engaged around 30,000 volunteers in the process.¹

To draft this comment, NPNA solicited feedback from our membership across the country. NPNA facilitates groups of policy and program coordinators who speak biweekly. These comments are also based on lessons learned from those conversations.

The partial fee waiver is a welcome and significant step in the direction of reducing the barriers to citizenship.

NPNA applauds USCIS’s proposal to introduce a partial fee waiver that would apply to applicants with household incomes between 150-200 percent of federal poverty guidelines. NPNA has long advocated for a partial fee waiver that would apply to those earning 150-250 percent of federal poverty guidelines.² The existing fee structure creates a cost disincentive to naturalize because green card renewal is cheaper, easier, and less risky. For those who would be eligible for the proposed partial waiver, citizenship will become a rational next step for the first

¹ See Appendix 1.

² National Partnership for New Americans, New American Dreams Platform, “A Nation of Citizens.” (December 2015).

time. Though USCIS can still do more to reduce the barriers for the working poor who are eligible to become citizens, nearly one million individuals will benefit from the proposed fee waiver.³

We encourage USCIS to adopt the partial fee waiver in the final rule. We urge USCIS to streamline and simplify the fee waiver form and procedures. The form length and complexity can be a deterrent to applicants and often limits efficiency of the workshops that organizations like NPNA's members put on to serve immigrant communities at low or no cost. We also encourage USCIS to streamline consideration of applicants for both existing waivers. If someone applies for the full waiver but is found ineligible, for example, they should be automatically considered for the partial fee waiver. We also encourage USCIS to consider how such a waiver could be applied to potential citizens whose household incomes fall between 200-250 percent of federal poverty guidelines. Finally, we encourage USCIS to consider a similar waiver structure for other immigration services and benefits.

Some of the proposed fee increases are unreasonable and prohibitively high.

Our member organizations and the communities they represent are deeply concerned about some of the proposed fee increases. The increases include:

- \$570 increase for the N-600 application for a citizenship certificate;
- \$210 increase for the N-565 application for a replacement citizenship or naturalization certificate;
- \$115 increase for the I-130 alien relative petition;
- \$195 increase for the I-129F fiancé petition;
- \$155 increase for the I-485 adjustment application;
- \$345 increase for waiver applications;
- \$215 increase for the I-131 application for travel documents, which applies to DACA recipients;
- \$90 increase for the I-90 application to replace a green card; and,
- \$30 increase for the I-765 application for an employment authorization document.

³ Manuel Pastor and Jared Sanchez, "Promoting Citizenship: Assessing the Impacts of the Partial Fee Waiver," USC Dornsife Center for the Study of Immigrant Integration (May 2016).

We are particularly concerned with the proposed fee increases to the Form N-600. The proposed fee schedule nearly doubles the cost of applying for citizenship certificate, taking the cost from \$600 to \$1,170. USCIS provides no explanation for the near doubling of the already exorbitant fee for this Form.

While individuals who derive citizenship can apply for US passports, the citizenship certificates carry certain advantages. They never expire, don't require renewal, and they--as opposed to passports--are exclusively accepted by some institutions like school districts. Individuals who derived citizenship as children could continue to appear on DHS's Systematic Alien Verification of Entitlements (SAVE) and eVerify databases. These persons can be wrongfully denied employment or voter registration on the basis of a state checking outdated records concerning immigration status.

We are also concerned with the increase in the fee for the Form I-765 for an employment authorization document. Many of the individuals applying for employment authorization are undocumented and recipients of deferred action. The proposed new cost for employment authorization, \$495, is prohibitive for many. Though the increase is not as large as some of the others, it will disproportionately impact a low-income and otherwise vulnerable population.⁴

We urge USCIS to reconsider these increases in particular. Overall, we urge USCIS to further adjust its proposed fee schedule to reduce the burden on low-income immigrants and their families, which can include reduced fees, sliding scale fee schedules, family caps, or other measures that would make these applications more affordable.

USCIS should operate with more transparency when conducting biennial fee studies.

NPNA and our partner and member organizations have been anticipating the results of the biennial fee study for over a year. We applaud the rigor with which USCIS has executed the latest study. For future studies, USCIS can better provide useful and timely information to their customers and immigrants-serving organizations by publicly announcing a plan, including

⁴ Jeanne Batalova, Sarah Hooker, and Randy Capps with James D. Bachmeier, "DACA At The Two-Year Mark: A National and State Profile of Youth Eligible and Applying for Deferred Action," Migration Policy Institute (August 2014).

priorities and timeframe, and following it. USCIS should also provide some public analysis about decision-making related to proposed fee structure changes.

USCIS must seek appropriated funding to supplement the current fee-based revenue model.

We strongly urge the USCIS and DHS to seek appropriated funding from Congress. USCIS has remained largely independent from Congress by operating mostly from the funds in the Immigration Examinations Fee Account (IEFA), as opposed to depending on appropriations. While there are some clear advantages to this model, as long as the agency operates as it does now, the unfortunate reality will remain that maintaining lower fees for one group of immigrants jeopardizes affordability for another group. Rising fees for certain benefits and services disproportionately affect low-income individuals and racial minorities. If USCIS seeks to provide high quality services to all constituents, regardless of wealth, education, racial/ethnic background, or current immigration status, the agency must seek appropriations to supplement the agency's fee-based revenue.

We urge USCIS to make all possible efforts to reduce the cost barriers associated with citizenship and other immigration services. We must apply a rigorous standard to ensure that these statuses, benefits, and services are not privileges limited to the wealthy and highly educated. In addition to these recommendations, NPNA strongly encourages USCIS to work with groups like ours to identify other strategies to further adjust its proposed fee schedule, reduce the length of its forms, and eliminate redundant and unnecessary questions in order to reduce the burden on low-income immigrants and their families.

Thank you for your consideration of NPNA's views on the proposed fee structure. Should you have any questions about these comments, please feel free to contact me at (913) 593-7032 or tara@partnershipfornewamericans.org.

Sincerely,



Tara Raghuveer

Deputy Director, National Partnership for New Americans (NPNA)

On behalf of:

Alabama Coalition for Immigrant Justice (ACIJ)
Promise Arizona (PAZ)
Arkansas United Community Coalition (AUCC)
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Colorado Immigrant Rights Coalition (CIRC)
Rights for All People
Junta for Progressive Action
Florida Immigrant Coalition (FLIC)
Idaho Community Action Network (ICAN)-Alliance for a Just Society (AJS)
Illinois Coalition for Immigrant and Refugee Rights (ICIRR)
Iowa Citizens for Community Improvement (ICCI)
Sunflower Community Action
Maine People's Alliance
Casa de Maryland (CASA)
MIRA Coalition (MIRA)
Michigan United
Montana Organizing Project (MOP)-Alliance for a Just Society (AJS)
Nebraska Appleseed
Progressive Leadership Alliance of Nevada (PLAN)
New Hampshire Alliance for Immigrant Rights (MIRA)
Somos Un Pueblo Unido (SOMOS)
El Centro de Igualdad y Derechos
The New York Immigration Coalition (NYIC)
Make the Road NY (MRNY)
Latin American Coalition (LAC)
Causa Oregon (CAUSA)
Pineros y Campesinos Unidos del Noroeste (PCUN)
Pennsylvania Immigrant and Citizenship Coalition (PICC)
Tennessee Immigrant and Refugee Rights Coalition (TIRRC)

Workers Defense Project
 Comunidades Unidas
 One America
 Voces de la Frontera (VOCES)
 Alliance for a Just Society
 Center for Popular Democracy
 National Korean American Service & Education Consortium (NAKASEC)
 National People's Action (NPA)

Appendix 1. NPNA Deliverables, 2012-present

NPNA Deliverables	2012	2013	2014	2015	Total
N-400s and Derivatives (Total)	12,941	13,654	13,929	7,279	47,803
N-400 Fee Waivers	4,062	4,657	4,050	575	13,344
Clinics	161	377	318	361	1217
Volunteers	9,211	8,551	7,051	4,897	29,710
DACA Applicants	1,146	2,827	2,750	5,039	11,762
DACA Applicants Assisted	16,536	4,620	6,657	5,039	32,852