



# FEE WAIVERS FOR NATURALIZATION: ELIGIBILITY, WORKSHOP ISSUES, PROBLEM AREAS

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## Presenters

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## Agenda

- Fee waiver eligibility in naturalization
  - Regulation and form
  - Criteria
  - Documentation
- Tips for applying
- Incorporating fee waivers into workshops
- Advocacy and problem areas
- Resources

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## Fee Waivers

- Allowed under 8 C.F.R. § 103.7(c)
- Based on inability to pay the fee
  - Household income
  - Means-tested benefit
  - Poverty guidelines
- Form I-912 – recommended not required
- Standardized form implemented November 2010

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## Eligibility

USCIS will look at three criteria to determine if applicant is unable to pay the fee:

- 1) **Public Benefits.** Whether applicant is currently receiving a federal or state “means-tested benefit”
- 2) **Low Income.** Whether annual household income is at or below 150% of the federal poverty level, at <http://aspe.hhs.gov/poverty>

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## Eligibility, cont' d

- 3) **Financial Hardship.** Whether applicant is 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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## Application Process

- File I-912 with supporting documentation
- USCIS' stated goal is to adjudicate requests within 5 days of receipt
- If approved, will receive receipt for underlying application
- If denied, entire application will be returned with denial letter stating reasons
- No appeal, but can reapply with additional information if denied
- Current approval rate for fee waivers (overall): 75%

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## What Should Margarita Do?

- Margarita, a LPR for 10 ten years, filed for naturalization and a fee waiver. She submitted a copy of the WIC notification letter she received in Spanish along with the Form I-912. She received a denial without a statement of the reason for the denial. What should Margarita do?

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## Documentation of Means-Tested Benefit

- Evidence to demonstrate current receipt of benefits
  - Recent notice from agency issuing benefit with recipient's name and type of benefit
  - SSA issues various benefits – not all means-tested
  - Notice from agency – is it clear which benefit applicant receives
  - Notice in Spanish
    - Translate relevant portion
    - Create translation templates

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## Means-Tested Benefit and Family Members

- Household member receipt of benefit makes family members eligible
  - Spouse of applicant
  - Unmarried children under 21 living with parent
  - Parents/other family members of child or grandchild
  - Adult child of elderly SSI recipient
  - Document relationship

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## What Should Gina Do?

- Gina, is a divorced LPR who lives with her two daughters. Although Gina works, her salary is low and her daughters receive Medicaid. Gina applied for naturalization and submitted a fee waiver with proof that her daughters receive Medicaid. Her fee waiver request was denied. What should Gina do?

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## Means-Tested Benefit Tips

- Don't include income or financial hardship
- Keep it simple
- Fee waiver eligible becomes part of A file
- Not eligible while outside U.S.

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## Documentation of Income

- Many examples in the I-912 instructions:
  - Federal tax returns, W-2s, pay check stubs, employment contract, letter from employer, IRS transcripts, alimony received, scholarships, Social Security, etc.
  - Include most recent tax return

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## What Should Alex Do?

- Alex has been an LPR for 15 years and lives under a freeway overpass in Los Angeles. He does not work but frequently receives services from agencies and food pantries. He wants to apply for naturalization and a fee waiver. What documentation should he include?

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## Documentation of Hardship

- 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

Note: Request may be approved in absence of documentation if sufficiently detailed

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## Manage Client Expectations

- Correct myths about public benefits and naturalization
  - Understand difference between public charge ground of inadmissibility and deportability
- Educate prospective applicants
  - Use USCIS memos, etc.

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## General Tips for Applying for Fee Waiver

- Use Form I-912
- Do *not* send fee
- Put “FEE WAIVER REQUEST ENCLOSED”
- Keep it simple (one criteria)
- Answer all applicable questions
- If benefit is not well-known, include info from DSS website

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## What Should Erin Do?

- Erin has been an LPR for 7 years and works as a cook at a diner in Boston. She is single, lives on her own, and earns 130% of the poverty guidelines. Her recent application for naturalization with a fee waiver was denied. The denial stated that Erin did not demonstrate that her income was at or below 150% of the poverty guidelines. What should Erin do?

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## Tips: Documentation

- Present it in the order referenced in the application and number pages
- Label document if needed
- Circle key info (i.e. name and amount) on each document for easy reference
- Make sure numbers/math are correct
- Make sure info. is consistent
- Make sure info. is sufficiently detailed

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## Fee Waivers at Workshops

- For mid-size workshops
- Have a dedicated station after registration
- Staff with trained volunteers
- Create a checklist of documents needed
- Fee waiver gets reviewed at quality control
- Limit to public benefits and low income
- Refer hardship or problem cases to office
- Partner with DSS
- Pros and cons of advertising

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## Recent Advocacy with USCIS HQ

- Problems seen in CLINIC's network
- Patterns of denials
- Efforts to resolve problems
- Latest news
- Remaining issues
  - Getting evidence of public benefits
  - Household size calculation
  - Boilerplate denial letters
  - Form instructions re roommate

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## Advocacy Tips for Service Providers

- Work with local DSS office if needed, and State Refugee Coordinator
- Re-send denied application to “Attn. Supervisor”
- Send denied case information to [lockboxsupport@dhs.gov](mailto:lockboxsupport@dhs.gov)
- Contact Ombudsman’s Office, [margaret.gleason@dhs.gov](mailto:margaret.gleason@dhs.gov)
- Contact your national network

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## Resources

- USCIS Filing Tips, <http://www.uscis.gov/forms/tips-filing-form-i-912-request-fee-waiver>
- Fee waiver tool in *CitizenshipWorks*, <http://www.citizenshipworks.org/irc-sd/i912-english/>
- CLINIC guide, *Strategies for Naturalizing the Most Vulnerable Applicants*, <http://cliniclegal.org/resources/strategies-naturalizing-most-vulnerable-applicants>
- List of state benefits <http://www.benefits.gov/benefits/browse-by-state>

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## Questions?



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