



CATHOLIC LEGAL  
IMMIGRATION  
NETWORK, INC.

**USCIS Fee Changes: How to Prepare  
Your Clients and Your Program**

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**Presenters**

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**Agenda**

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

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## State of Play

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## 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

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## 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

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### 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>

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### Notable Fee Increases

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

\* \$10 discount if filed online




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Notable Fee Increases (cont.)

Form Type	Current Fee	New Fee	Increase
I-131	\$575	\$590	3%
I-765 (non-DACA)	\$410	\$550	34%
I-601	\$930	\$1,010	9%
I-601A	\$630	\$960	52%
I-212	\$930	\$1,050	13%
I-290B	\$675	\$700	4%
N-336*	\$700	\$1,735	148%
I-589	\$0	\$50	-

\* \$10 discount if filed online




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Notable Fee Decreases

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

\* \$10 discount if filed online




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Other Notable Fee Changes

Form Type	Current Fee	New Fee	% Change
I-485	\$1,140	\$1,130	1% decrease
I-485 for child under 14	\$750	\$1,130	51% increase
Bundled I-485 (w/ biometrics) + I-765 + I-131	\$1,225/750	\$2,270	85% increase (203% child)
I-765 (DACA only)	\$410	\$410	




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### 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

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### 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)

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### 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

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### 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




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### 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




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### 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




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### 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




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### 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




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### 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)




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## Changes to Fee Waiver Eligibility

**Currently, may qualify if:**    **As of Oct 2, may qualify if:**

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|---|--|
| <ul style="list-style-type: none"> <li>• Annual household income at or below 150% of FPG OR</li> <li>• Receive a means-tested benefit OR</li> <li>• Financial hardship</li> </ul> | <ul style="list-style-type: none"> <li>• Applicant has annual household income at/below 125% of FPG AND USCIS is required by law to consider a fee waiver for that benefit</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• 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</li> </ul> |
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## HOW TO PREPARE YOUR PROGRAM

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## Education and Outreach

- Staff Education
- Client Education
- Community Outreach
- Partnership with other entities in education/outreach
- Help against misleading, false information, and notarios




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## 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




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## 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




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## 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




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## Resources

- <https://cliniclegal.org/resources/program-management/practice-tips-uscis-fee-schedule-changes>
- <https://cliniclegal.org/training/archive/demonstrating-your-program-successes>
- <https://cliniclegal.org/resources/program-management/practice-advisory-uscis-budget-crisis-and-furlough>




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## Advocacy

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## Poll for Agencies

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

- Yes
- No
- Uncertain




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## 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](mailto:advocacy@cliniclegal.org)

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## 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.

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## 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.

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## 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




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## 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>
- Backgrounder: USCIS' Self-Induced Financial Crisis  
<https://cliniclegal.org/resources/federal-administrative-advocacy/backgrounder-uscis-self-induced-financial-crisis>




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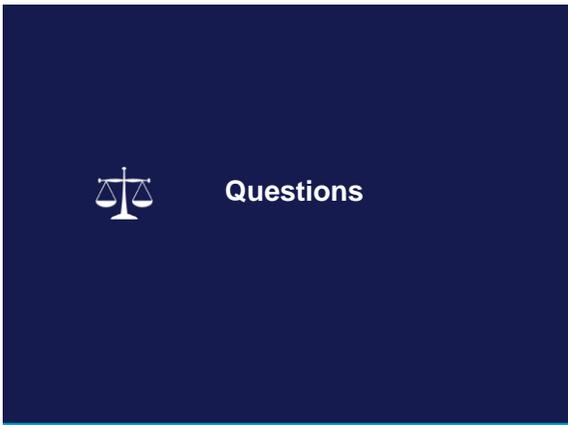
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Questions




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