



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.

NATIONAL OFFICE

8757 Georgia Avenue • Suite 850 • Silver Spring, MD 20910 • Tel: 301.565.4800 • Fax: 301.565.4824 • Website: www.cliniclegal.org

March 10, 2023

Submitted via regulations.gov

Samantha Deshombres
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: Comments on USCIS-2121-0010-0001, Notice of Proposed Rulemaking; U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements

Dear Ms. Deshombres:

The undersigned 43 nonprofit immigration legal services agencies that are affiliates of the Catholic Legal Immigration Network, Inc. (CLINIC) submit these comments in response to the notice of proposed rulemaking that would revise the U.S. Citizenship and Immigration Services fee schedule. While we appreciate the agency's efforts to minimize fee increases to forms for naturalization and some humanitarian categories, many of the changes would nonetheless make applying for and maintaining lawful immigration status unaffordable for many immigrants.

CLINIC's affiliates are a dedicated network of non-profit immigration legal services programs that provide affordable legal representation to their immigrant neighbors. This network includes approximately 450 programs operating in 49 states and the District of Columbia. CLINIC's network employs roughly 1,400 attorneys and accredited representatives who, in turn, serve hundreds of thousands of low-income immigrants each year. CLINIC's affiliates offer representation for family-based immigration, naturalization and citizenship, religious workers, humanitarian, and other categories implicated by the proposed changes.

In particular, the undersigned organizations are concerned about the changes listed below from the NPRM. We request that DHS revise the proposed fee schedule in order to avoid creating barriers that prevent low-income immigrants from achieving or maintaining lawful status or progressing along the pathway toward citizenship.

Adjustment of Status and Related Applications Should Remain Bundled and Affordable

DHS proposes separate fees for concurrently filed Forms I-485, I-765, and I-131. Most applicants who will file Form I-485, Application to Register Permanent Residence or Adjust Status, will file Form I-765, [Application for Employment Authorization](#) and [Form I-131, Application for Travel Document](#). Due to immigrant visa backlogs and increased USCIS processing times, adjustment applicants often face long waits before their lawful permanent residence status is granted. Applicants rely on employment authorization to continue to live and work in the United States while their application is pending. Applicants filing Forms I-485, I-765, and I-131 on paper will see a 130 percent increase in initial filing costs, changing significantly from \$1225 to \$2820. An applicant who chooses not to seek travel authorization, and files only paper Forms I-485 and I-765, would pay \$2190 in fees, a 79 percent increase in initial filing costs. These increases will affect all applicants, regardless of age, as DHS has also proposed to remove the lower \$750 filing fee for children under age 14 who concurrently file with a parent.

Furthermore, after the effective date of the proposed fee schedule, an applicant who is required to pay fees to adjust status will no longer qualify to renew interim benefits without a fee while their adjustment of status is pending. Instead, payment for any interim benefit renewal will be required unless the applicant qualifies for a fee waiver. Those seeking to renew employment authorization will pay an additional \$555 or \$650 depending on the method of filing. Similarly, those seeking to renew travel authorization will pay an additional \$630.

These steep fee increases will pose a significant financial burden and will make adjustment of status unattainable for many low-income and working-class applicants who are immigrating through a U.S. citizen or lawful permanent resident relative or adjusting status through asylum or U nonimmigrant status. Increasing the overall cost of adjustment of status and ancillary interim benefits would delay and prevent many low-income individuals from becoming permanent residents and undermine family unity and public interest.

DHS' Proposal to Limit Payment Types Would Disadvantage Low-Income Immigrants

DHS proposes to make the method of fee payment changeable form-by-form through a designation in the form instructions or by individual notice. This would allow USCIS to prohibit the use of certain types of payment, like cashier's checks or money orders, for certain forms in favor of other methods of payment such as online payments. This proposed limitation would cause hardship to low-income applicants and petitioners, as reliable internet access, U.S. bank accounts, and well-established credit scores are assets that may only be available to more wealthy immigrants. While reloadable debit cards are an option for some, they are not readily available or accessible to all. As representatives of hard-working immigrants, we request that USCIS accept cashier's checks and money orders as methods of payment for all applications, petitions, and requests.

The Form I-751 Petition to Remove Conditions on Residence Should Remain Accessible

DHS proposes a staggering 101 percent increase to the current fee for filing Form I-751 Petition to Remove Conditions on Residence, from the cost of \$595 to \$1195. This proposed increase makes it even more

difficult for low-income families to file in a timely manner. Late filing can have severe consequences, including the conditional resident's loss of lawful status and the risk of being placed into removal proceedings.

The Form I-601A Provisional Waiver Should Remain Accessible

The creation of the Form I-601A provisional waiver was intended to encourage eligible individuals to complete the immigrant visa process abroad, promote family unity, and improve administrative efficiency. Having an approved provisional waiver helps facilitate immigrant visa issuance at the Department of State (DOS), streamlines both the waiver and the immigrant visa processes, and reduces the time that applicants are separated from their U.S. citizen or lawful permanent resident family members, thus promoting family unity. Under the proposed fee schedule, the filing fee for the Form I-601A Provisional Unlawful Presence Waiver would increase 75 percent from the current cost of \$630 to \$1105. This steep increase would discourage and delay individuals from consular processing and undermines the purpose of the provisional waiver.

Serious Concerns Regarding Online Filing Inefficiencies and Online Filing Fees

DHS has proposed an expansion of online filing of additional forms. We urge DHS to make the USCIS online filing system more user-friendly and redesign it in a way that overcomes serious technical issues and glitches that affect it. Practitioners filing forms online have reported difficulties with system glitches, erroneous rejections, lost documents, problems with data entry on forms, and more, causing unnecessary delays in the filing of cases as well as case processing. Without adequate improvements to the current online filing system, practitioners, applicants, and petitioners may continue to avoid the use of online filing, leading to increased inefficiency, and defeating the purpose of key elements of the proposed fee schedule.

DHS has proposed the creation of higher fees for certain forms filed on paper versus online. The creation of higher paper filing fees disadvantages clients who lack the means or access to file forms and supporting documents online, the very clients who are least able to afford a higher fee. Notably, the issue of access includes not only a lack of internet or computer access but also the issue of sufficient literacy to complete an online process accurately and effectively. Applicants, beneficiaries, and petitioners should not be penalized for any inability to file online.

Form N-400 Application for Naturalization Should Be Affordable

DHS is proposing a 5% increase in the cost of Form N-400. We recognize and appreciate that this proposed fee increase is modest compared to others in this fee schedule and that the \$760 fee for the N-400 will include the biometrics fee. However, this increase will still impact many applicants who already face difficulty in affording the current application fee but do not qualify for a full or partial fee waiver. For lawful permanent residents who hope to naturalize, facing the hurdle of being unable to afford the application fee can be a major deterrence. DHS should eliminate any increase to the naturalization fee to avoid creating additional burdens that may prevent eligible immigrants from achieving U.S. citizenship.

Policies Accompanying Form I-912 Request for Fee Waiver Should Be Adjusted

USCIS is proposing that the filing of Form I-912 become mandatory rather than allowing applicants to continue to make that request either via the official USCIS form or via a written request, a change which DHS admits will be an additional burden for applicants. While we strongly encourage and promote the use of the Form I-912, we appreciate the flexibility offered by the current regulation, which permits any written request. If an individual can successfully demonstrate the need for the fee waiver via a written request, USCIS should continue to accept them. Requiring the use of Form I-912 means less flexibility for applicants with special circumstances. By the same token, we encourage USCIS to permit online filing of the fee waiver application as an option, to allow more flexibility for applicants who are capable of filing online. We ask that USCIS continue to permit written requests for fee waivers.

Form I-129 Petition for Religious Workers Should Not Burden Religious Organizations

Many CLINIC affiliates are associated with religious institutions, and some assist them to file religious worker petitions. As such, we are concerned that the proposed fee for the form I-129 petition category for religious workers would be excessively burdensome on the U.S. religious worker sponsor. Under the proposed fee schedule, religious worker petitions would have a filing fee increase from \$460 to \$1015. This is a staggering 121 percent change; one of the highest percentage increases for nonimmigrant workers. We oppose these fee increases because they would disproportionately affect small religious organizations, parishes, and communities that serve a charitable function in our society. International religious workers provide vital services for the health and well-being of communities throughout the United States. Filing fee adjustments for the religious worker program should heavily weigh the non-profit nature of the sponsor.

Conclusion

It is consistent with the American values of justice and equality that immigration benefits be equally available to all immigrants, not just the wealthy. The proposed fee increases addressed above would create additional burdens for low-income immigrants and petitioners, delaying or even preventing eligible immigrants from accessing lawful immigration status or progressing along the pathway to citizenship. We ask that DHS revise its fee schedule to ensure that immigration benefits are accessible to all.

Thank you for the opportunity to submit comments on the proposed form changes.

Sincerely,

African Cultural Alliance of North America, Inc – *Philadelphia, PA*
Cabrini Immigrant Services of NYC – *New York, NY*
Caminando Juntos – A Ministry of the Presentation Sisters – *Sioux Falls, SD*
CARECEN – *Washington, D.C.*
Catholic Charities Esperanza Center – *Baltimore, MD*
Catholic Charities Hawaii – *Honolulu, HI*
Catholic Charities of Central Texas – *Austin, TX*
Catholic Charities of North Louisiana – *Shreveport, LA*

Catholic Charities of the Diocese of Raleigh – *Raleigh, NC*
Catholic Charities of the Diocese of Wilmington – *Wilmington, DE*
Catholic Charities of Tennessee, Inc. - *Nashville, TN*
Catholic Charities of Tompkins/Tioga - *Ithaca, NY*
Catholic Multicultural Center – *Madison, WI*
Catholic Social Services – *Columbus, OH*
Catholic Social Services, Philadelphia – *Philadelphia, PA*
Center for Employment Training – *San Jose, CA*
Children’s Legal Center – *Chicago, IL*
Church World Service Lancaster – *Lancaster, PA*
Coptic Orthodox Charities, Inc. – *Clearwater, FL*
CUASVAHH Inc. - *Jacksonville, FL*
El Pueblo – *Forest, MS*
HIAS Pennsylvania – *Philadelphia, PA*
Immigrant Connection – *Spartanburg – Duncan, SC*
Immigrant Connection at May Ave Wesleyan Church – *Oklahoma City, OK*
Immigrant Connection at Sent Church – *Plano, TX*
Immigrant Connection – *Greenville Multicultural – Greenville, SC*
Immigrant Law Center of Minnesota – *Saint Paul, MN*
Imigrant Resources of North Carolina, Inc. - *Raleigh, NC*
Inspiritus, Inc. - *Atlanta, GA*
Iowa Migrant Movement for Justice – *Des Moines, IA*
La Casa de Amistad – *South Bend, IN*
Long Island Immigration Clinic/Sister’s of St. Joseph – *Brentwood, NY*
Louisiana Organization for Refugees and Immigrants – *Baton Rouge, LA*
Mi Casa Community Services – *Winston Salem, NC*
Multicultural Self-Sufficiency Movement – *Lakewood, WA*
New American Pathways – *Atlanta, GA*
New Hope Presbyterian Church d/b/a New Hope Office of Immigration Services – *Orlando, FL*
Oasis for Immigrants, Inc. - *Tamarac, FL*
Sisters of St. Francis, Project Hope-Proyecto Esperanza – *Archbold, OH*
Social Services for the Arab Community (SSFAC) - *Toledo, OH*
St. James Cathedral Immigrant Assistance – *Seattle, WA*
The Latin American Community Center – *Wilmington, DE*
Thrive International Programs, Inc. - *Williamsport, PA*