



Working to Reduce Poverty in America

July 3, 2019

OMB USCIS Desk Officer
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Submitted via email to dhsdeskofficer@omb.eop.gov

RE: OMB Control Number 1615-0116; USCIS Agency Information Collection Activities; Revision of a Currently Approved Collection: Request for Fee Waiver; E-Docket ID USCIS-2010-0008

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Dear OMB USCIS Desk Officer:

Catholic Charities USA (CCUSA) submits these comments to the Office of Management and Budget on OMB Control Number 1615-0116; USCIS Agency Information Collection Activities; Revision of a Currently Approved Collection: Request for Fee Waiver ("the proposed rule").

CCUSA is a national membership organization representing more than 167 diocesan Catholic Charities member agencies. These member agencies operate more than 2,600 service locations across the 50 states, the District of Columbia, and five U.S. territories. Their diverse array of social services reached more than 10 million individuals in need last year. These services include immigration and refugee services. In 2017, nearly 100 Catholic Charities agencies served over 25,000 immigrants and refugees through 217 programs. Our Catholic heritage includes a scriptural call to provide hospitality to newcomers as if welcoming Christ Himself. The Catholic Church, like our nation as a whole, finds its identity and roots in various immigrant communities. We affirm the inherent dignity bestowed by God on every human person, including immigrants and refugees, no matter the circumstances that compel a person to begin a new life in our community.

I. INTRODUCTION

CCUSA opposes the U.S. Citizenship and Immigration Service's (USCIS) proposed rule regarding eliminating the option to apply for a fee waiver based on receipt of a means-tested benefit. The proposal also includes the rescission of the current policy memorandum on fee waivers. The positive attributes produced from the fee waiver process in its current form to not only immigrants applying for benefits but also legal service providers and USCIS itself are clear in terms of procedural efficiency. Furthermore, low-income legal service providers, including our Catholic Charities agencies, will face heightened levels of difficulty in serving an already underrepresented immigrant community. The proposed changes drastically and unjustifiably increase time, expense, and burdens on applicants, their



representatives, and on USCIS itself. For these reasons, USCIS' proposal should be withdrawn in its entirety.

II. FEE WAIVER BENEFITS

USCIS is not primarily supported by taxpayer dollars.¹ Instead, Congress requires immigration application processing expenses to be fully supported by application fees.² However, the agency recognizes that some applicants cannot pay the filing fees and established the fee waiver process for certain forms and benefit types.³ USCIS carefully considers the merits of each fee waiver request before making a decision.⁴ The fee waiver process allows low-income immigrants to pursue immigration benefits they might not otherwise be able to afford, which benefits both immigrants and the nation.

According to the Catholic Legal Immigration Network, (CLINIC), "USCIS's fee waiver policy has acknowledged that low-income immigrants are unable to afford increasing government filing fees. For example, the fee for naturalization has increased more than 650 percent in the last 20 years, and currently stands at \$725. Filing fee waivers are currently available for over two dozen form types, including citizenship and naturalization, work authorization, green card renewals, and certain humanitarian and survivor-based benefits."⁵ Studies show that low-income immigrants can improve their financial status by completing immigration processes such as naturalization that provide greater access to better jobs, educational opportunities, and resources.⁶ This example of the rise in fees made the ability to apply for a fee waiver, specifically through an efficient and practical method like the means-tested benefit, a critical tool for low-income immigrants and their immigration process.

III. REMOVING THE MEANS-TESTED CRITERIA FOR FEE WAIVER APPLICATIONS WILL IMPEDE USCIS PROCESSING AND CREATE ADDITIONAL BURDENS COMPARED TO THE CURRENT FEE WAIVER APPLICATION PROCESS

The proposed rule seeks to remove the receipt of means-tested benefits from the eligibility criteria of granting a fee waiver. A means-tested benefit is a public benefit where eligibility

¹ *Budget, Planning, and Performance*, USCIS, www.uscis.gov/about-us/budget-planning-performance.

² William A. Kandel, *U.S. Citizenship and Immigration Services (USCIS) Functions and Funding*, Congressional Research Service (May 15, 2015), <https://fas.org/sgp/crs/homesecc/R44038.pdf>.

³ *Additional Information on Filing a Fee Waiver*, THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES (June 29, 2019), available at <https://www.uscis.gov/feewaiver>.

⁴ *Id.*

⁵ "Be a Fee Waiver Warrior: Don't let USCIS make it so only wealthy immigrants can pursue the American Dream," available at <https://cliniclegal.org/fee-waiver-changes>.

⁶ *Id.*

for the benefit, the amount of the benefit, or both, is based on an individual's income level.⁷ Means-tested benefits are available to people whose incomes are below a certain threshold so they require the recipient to establish their income levels.⁸ Means-tested benefit examples include Supplemental Security Income ("SSI") and non-emergency Medicaid.⁹ According to CLINIC and its affiliates, including many of our member agencies, who provide low-income immigrant legal assistance, "almost all of the fee waivers they file are based on the applicant's receipt of a means-tested benefit. For an individual applicant, applying for a fee waiver by showing receipt of a means-tested benefit (as opposed to the other criteria) is the least burdensome option, requiring gathering the least amount of evidence and filling out the least amount of paperwork."¹⁰ An analysis of Form I-912, which is used for a fee waiver application, verifies that the means-tested benefit is the most efficient method in applying for a fee waiver. Form I-912's Part 4, pertains to means-tested benefits criterion and lists only one question. In contrast, Part 5's low-income / Federal Poverty Guidelines section lists nine questions. Finally, Part 6's financial hardship section lists three questions.¹¹ The proposed rule's removal of the most efficient and least-burdensome method of evidencing a fee waiver qualification will lead to longer USCIS processing times due to the need to verify more complex and involved responses on Form I-912. Parts 5 and 6 both require more documentation and responses to be verified and vetted compared to Part 4. USCIS can also rely on the labor and adjudication from a state or local agency that determined means-tested benefit eligibility instead of duplicating these efforts during its own adjudicatory process. Further, immigrants will need to gather and submit additional paperwork and evidence for their cases, prolonging their application process and creating a potential chilling effect on pursuing immigration benefits that they are entitled to pursue. The proposed rule unnecessarily complicates the fee waiver process compared to existing procedures.

IV. THE PROPOSED RULE WILL NEGATIVELY IMPACT LOW-INCOME LEGAL SERVICE PROVIDERS AND THE VULNERABLE COMMUNITIES THEY SERVE

Legal service providers recognize fee waiver applications that utilize the means-tested benefit create an efficient service opportunity, typically through workshop models.¹² In this model, nonprofits like CLINIC affiliates and Catholic Charities agencies may maximize time and efficiency, attract volunteers, and better serve immigrants seeking low-cost legal assistance.¹³ According to CLINIC, "applying for a fee waiver through receipt of a means-

⁷ "Proposed I-912 Fee Waiver Form Revision," THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES, AVAILABLE AT <https://www.uscis.gov/news/alerts/proposed-i-912-fee-waiver-form-revision>.

⁸ *Be a Fee Waiver Warrior: Don't let USCIS make it so only wealthy immigrants can pursue the American Dream*, supra Note 5.

⁹ *Id.*

¹⁰ GALLAGHER, Anne, Catholic Legal Immigration Network (CLINIC) Comments, *OMB Control Number 1615-0116; USCIS Agency Information Collection Activities; Revision of a Currently Approved Collection: Request for Fee Waiver; e-Docket ID USCIS-2010-0008*, 4 (May 3, 2019).

¹¹ Request for Fee Waiver, Form I-912, available at: www.uscis.gov/i-912.

¹² CLINIC comments, *supra* note 10, at 4.

¹³ *Id.*

tested benefit is so straightforward, immigration legal service providers are typically able to staff the fee waiver station of workshops with non-attorney volunteers, freeing up legal representatives' time for more complex cases. Due to the ease of the process, these volunteers typically require minimal training...[W]orkshops also allow CLINIC affiliates to invite county public benefits officials to assist with preparing and printing benefit enrollment documentation on the spot, utilizing their expertise to ensure fee waivers can be completed quickly and accurately. This is a particularly common practice at naturalization workshops."¹⁴ Removing the efficient and least-burdensome method of the fee waiver application will require more involved trainings, additional paperwork from applicants, and additional verification from service providers at immigration workshops for vulnerable communities who might not otherwise pursue, or have access to, these services. CLINIC reports, "Fee waivers based on receipt of means-tested benefit are *the* tipping point factor that allow legal services organizations that serve low-income clients to provide efficient, streamlined service through workshops, translating to the maximum number of people served (a data point often connected to receipt of grant funds). Legal services organizations like CLINIC affiliates that utilize workshops as part of their core services will be forced to make burdensome changes, affecting efficiency of services, number of people served annually, revenue streams, and more."¹⁵

Removing the means-tested benefit option on Form I-912 would create additional burdens to CLINIC affiliate workshop models and on the immigrant applicants. Collecting the requisite documents to show Part 5's Federal Poverty guidelines eligibility or Part 6's Financial Hardship is anticipated to be too lengthy and document-heavy to be completed in a workshop setting.¹⁶ CLINIC describes how the scenario would likely unfold at a workshop: "Individuals are unlikely to have every document needed to complete a fee waiver on the day of a workshop. These individuals would need to return for one-on-one office consultations, resulting in additional travel times and costs. This would also require additional time and effort for the legal representative, impacting agency efficiency. Furthermore, a reduction in workshop services will increase the number of people who try to fill out forms *pro se*, which can result in mistakes and additional time and money spent. Accordingly, an increase in *pro se* applications would likely result in additional backlogs and inefficiency for USCIS."¹⁷ By removing the means-tested benefit option for fee waiver applications, USCIS would drastically affect established workshop models used by service providers that serve vulnerable populations seeking immigration benefits.

V. CONCLUSION

Catholic Charities provides essential services to immigrants and newcomers to this country, a consistent part of our mission throughout our history. The proposed rule will inhibit our, and other service providers', ability to serve vulnerable communities seeking immigration

¹⁴ *Id.*

¹⁵ *Id.*, at 8.

¹⁶ *Id.*, at 7.

¹⁷ *Id.*

benefits. Removing the means-tested benefit option in order to pursue a fee waiver will create unnecessary burdens and become less efficient for USCIS, service providers, and the immigrants we serve. Given these consequences, we believe the proposed rule is unacceptable and we urge the withdrawal of this deeply flawed proposed rule.

Respectfully submitted,



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