

Director, Regulatory Management Division
US Citizenship and Immigration Services
Department of Homeland Security
111 Massachusetts Ave. NW, 3rd floor
Washington DC 20529.

RE: DHS Docket # USCIS-2006-0044 & Special Immigrant Juveniles
Proposed rule— Adjustment of the Immigration and Naturalization Benefit
Application and Petition Fee Schedule

As an attorney practicing in the field of immigration law, I have significant experience with the immigration process. I am very concerned by the Service's proposal to increase its fees.

The proposed regulation states that it will waive fees for VAWA I-360 petitions. While this is a commendable proposal, I believe the service has overlooked an even more vulnerable group of I-360 self-petitioners: Special Immigrant Juveniles that are applying under section 101(a)(27)(J) of the Immigration and Nationality Act (“INA”).

I have represented many children in this process, and have never failed to receive a fee waiver from the Service. These children are under the jurisdiction of a U.S. juvenile court, because their parents abused, abandoned, and/or neglected them. They are minors that have no source of financial support from their birth parents, and no assets or income to sustain themselves. They generally live in a foster care home and receive public assistance to cover their most basic living expenses. Due to their lack of financial means, I believe these children should also be exempt from filing fees.

Further, the Service should make clear that any elimination of the fee waiver for adjustment of status applications would not apply to these Special Immigrant Juveniles. The current proposal would eliminate the possibility of a fee waiver for adjustment of status applications for these Special Immigrant Juveniles. As these children’s sole source of financial support is public assistance, the juvenile courts would have to decide whether to pay the new \$905 filing fee, or simply let the children miss out on this important benefit. Since most juvenile courts are not used to paying any fees for this process, I fear that this proposal would place relief out of the reach of the children INA §101(a)(27)(J) was enacted to protect.

It is important to note that the rationale advanced for the complete elimination of fee waivers for adjustment of status application does not apply to Special Immigrant Juveniles. The Service states that the basic premise of a fee waiver is wholly or largely inconsistent with status as a permanent resident, because applicants must demonstrate they can support themselves and will not become a public charge. However, this

rationale fails when applied to Special Immigrant Juveniles, because they are exempt by statute from the public charge ground of inadmissibility and are not required to submit an affidavit of support. *See* INA §245(h)(2)(A).

I hope that this proposal will be withdrawn and reconsidered as it applies to Special Immigrant Juveniles.

Sincerely,

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