

# LATINOS PROGRESANDO

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March 27, 2007

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

## **RE: DHS Docket # USCIS-2006-0044**

### **Proposed rule— Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule**

To Whom It May Concern:

I am writing on behalf of Latinos Progresando to strongly oppose the increase to immigration and naturalization fees, the elimination of VAWA self-petitioning fees, and changes to the fee waiver system that US Citizenship and Immigration Services (USCIS) proposed on February 1, 2007.

Latinos Progresando is a Board of Immigration Appeals-accredited agency that serves over 1,000 legal services clients annually. Clients approach Latinos Progresando with a wide variety of legal needs, including assistance with family petitions, adjustment of status, naturalization, work permits, and self-petitions under the Violence Against Women Act. Based in Chicago's Pilsen and Little Village neighborhood, Latinos Progresando serves an overwhelmingly low-income, Latino population.

### **Eliminating Fees for VAWA Self-petitioners**

Through knowledge gained from our experience working with a client base which includes many immigrant victims of domestic violence, Latinos Progresando opposes the overall elimination of fees for VAWA self-petitions, given that this proposal also involves eliminating fee waivers as an option outside of the self-petitioning context.

Many victims of domestic violence find it more expeditious to apply for status outside of the self-petitioning context, often through a family member or an employer. Financial dependency on an abusive family member is often the biggest barrier to independence, and eliminating the possibility of obtaining a fee waiver will reduce the number of available options for escaping violence. Self-petitioners who separate from their abusers often find protection in families and

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communities that will be harmed by the general fee increases, which in turn harms self-petitioners. Finally, some of our self-petitioners can afford to pay the fees. Since USCIS argues that it needs fees to ensure efficient adjudication, self-petitioners who can afford to pay the fees should do so. Those that cannot should be able to request a fee waiver, regardless of their chosen petitioning method.

### **Fair Fee and Waiver Structure**

What self-petitioners need, like other immigrants, are a fee structure and a generous fee waiver system that reflect their financial reality. These principles should apply not just to self-petitioning, but to fees for work authorization, adjustment of status and other matters associated with obtaining self-petitioning status and permanent residence. Eliminating or restricting access to fee waivers for all related applications will undermine Congress' goal to protect and provide secure status to immigrant survivors of domestic violence and other crimes.

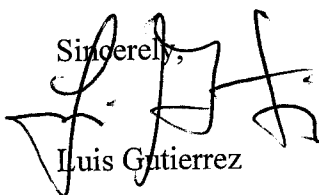
USCIS' suggestion that public charge concerns make fee waivers inappropriate for those seeking adjustment of status is inaccurate. Congress didn't just mandate access to self-petitioning for domestic violence survivors, it also smoothed the path to lawful permanent residence, including relaxing public charge considerations at the adjustment phase. Self-petitioners, those seeking special immigrant juvenile status, U and T visa applicants, asylees and others may be able to overcome public charge concerns even if they obtain fee waivers.

USCIS also argues that regular family-based petitioners should be ineligible for fee waivers because they must submit affidavits of support. Given the visa quota system and processing backlogs, many regular family-based immigrant applicants who need fee waivers at the initial phase may be able to overcome public charge concerns by the time USCIS adjudicates their adjustment applications. This approach, in comports with USCIS' own instructions on considering public charge as a prospective test.

### **Do Not Erect a Financial Fence to Regularizing Status**

Latinos Progresando's clients already struggle to pay immigration fees. The proposed increases in these fees, sometimes double the current fee, will create a financial fence to legalizing thousands of immigrants. Drastically enhanced fees, coupled with restrictions on fee waivers, will force many hard-working immigrants into undocumented status. This will not deter immigration or undocumented presence in the United States; rather, it will discourage individuals and families from seeking legal status and complying with US law. These otherwise-eligible immigrants will become more vulnerable to exploitation and crime victimization and less able to contribute to our communities and formal economy. This result confounds attempts at immigration reform by forcing people to become undocumented instead of encouraging them to gain secure legal status.

For all these reasons, the proposal to increase immigration fees and change the current fee waiver system is imprudent and ineffective in accomplishing the goals the DHS. We urge USCIS to reconsider this proposal, to retain the existing fee waiver system and fees for VAWA self-petitioners, and to seek other sources of funding for its operations, rather than shift the burden to selected groups of immigrants. Thank you for your consideration.

Sincerely,  
  
Luis Gutierrez