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**From:** Matt Adams [mailto:matt@NWIRP.ORG]  
**Sent:** Thursday, March 22, 2007 7:23 PM  
**To:** OSComments  
**Cc:** Matt Adams  
**Subject:** Response to proposed fee increase

## **NORTHWEST IMMIGRANT RIGHTS PROJECT**

*Proyecto para los Derechos de Inmigrantes*

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March 22, 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**

On behalf of Northwest Immigrant Rights Project, I am writing to vehemently voice our opposition to the dramatic, and frankly, shocking 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.

Northwest Immigrant Rights Project is the only full-service immigration legal service provider for the low income immigrant communities in the State of Washington. Each year we represent hundreds of individuals who are applying for immigration benefits like family visa petitions (including VAWA self-petitions), adjustment of status to lawful permanent residence, employment authorization, removal of conditions of residence, and naturalization. All of our clients qualify for our services by demonstrating that they do not have the resources to retain a private attorney.

Whether an applicant is a self-petitioner under VAWA, or an applicant seeking any other immigration benefit, like a family visa or initial employment authorization, what is needed is a reasonable fee structure and a generous fee waiver system that does not ignore the financial reality of the applicants. These principles should apply uniformly to all applicants.

Thus, even though a large part of our work focuses on representing immigrant survivors of domestic violence and other crimes, we oppose eliminating the self-petition fee, especially as this is tied in to eliminating fee waivers as an option outside of the self-petitioning context. In taking this position we want to make clear that many victims of domestic violence obtain legal status through application processes other than VAWA self-petitions. In addition, victims of domestic violence are at times, like other applicants able to pay the filing fees. It is unfair to then uniformly pass the complete burden of filing fees to persons applying for other types of benefits. Indeed, victims of domestic violence often rely on other family members or friends who would be harmed by the general fee increases, which would then make the situation even more precarious for victims of domestic violence.

We also strongly disagree with USCIS' suggestion that public charge concerns make fee waivers inappropriate for those seeking adjustment of status. This is once again true for all applicants, but is especially noteworthy for self-petitioners under VAWA. Congress implemented a statutory scheme to ensure that self-petitioners would be able to obtain lawful permanent residence. Thus, self-petitioners, and others similarly situated, like those seeking special immigrant juvenile status, U and T visa applicants, asylees are able to overcome public charge concerns even if they obtain fee waivers. Indeed, many applicants coming from poverty simply need the opportunity to demonstrate that once they are given a chance, they will be able to support themselves, and additionally, will be strong, positive members of the community.

For the same reasons we strongly disagree with the USCIS assertion 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 fact, comports with USCIS own instructions on considering public charge as a prospective test.

As a service provider for the low income immigrant communities in Washington State, we are well aware that many immigrants already struggle to pay immigration fees. The proposed increases in these fees will create a formidable financial barrier for thousands of immigrants who qualify under the law for the immigration benefits in question. Drastically enhanced fees, coupled with restrictions on fee waivers, will force many hard-working immigrants into

undocumented status. Such persons 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.

If the current fees do not cover agency expenses, then the agency should request direct support from Congress, just like most other agencies receive, and indeed, like INS has received in the past.

Given the drastic impact that these increased fees will have on the low-income immigrant communities that we serve, we urge USCIS to reconsider this proposal. Rather, the agency should retain the existing fee waiver system and seek other sources of funding for its operations. Thank you for your consideration.

Sincerely,

Matt Adams  
Legal Director

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