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## FAX

TO: Director, Regulatory Management Division

FROM: Jeremy Lane, MHLA

DATE: 4/2/07

RE: DHS Docket # USCIS-2006-0044

TOTAL PAGES INCLUDING COVER: 4

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Notes:

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April 2, 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 four non-profit legal service providers, I am writing to strongly oppose the substantial increase in immigration and naturalization fees that US Citizenship and Immigration Service (USCIS) proposed on February 1, 2007.

**Who We Are**

We are a coalition of non-profit legal service organizations that provide immigration representation to low-income persons in Minnesota and North Dakota. Our organizations include Centro Legal, Inc., Immigrant Law Center of Minnesota, Mid-Minnesota Legal Assistance, and Minnesota Advocates for Human Rights,

Many of the low-income immigrants that we work with already struggle to pay immigration fees. The steep increases proposed by USCIS, which in some cases double the current fee, would unfairly affect the poor and disabled, decrease the quality of CIS submissions, discourage family reunification, and put the goals of lawful permanent residence and citizenship farther out of reach. USCIS should be building bridges toward citizenship, not creating obstacles.

**Background**

The proposed fee for naturalization illustrates the hardship faced by immigrant applicants. As recently as 1998, the cost to apply for citizenship was \$95. In 2002, the costs (including biometric fees) went up from \$250 to \$310. The total fees are now \$400, a fourfold increase in the past eight years. USCIS now proposes a further increase of 70%, to \$675. An immigrant working at a minimum-wage job would need to work for more than three weeks and save all of his earnings in order to pay this fee.

Even more startling is the proposed cost of filing for adjustment of status, which for many immigrants is the first step on the road leading to US citizenship. That application has risen from \$130 in 1998 to \$325 today, plus \$70 for biometrics. Under the proposed rule, the price will rise

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to \$905 plus \$80 for biometrics. In other words, it will cost nearly \$1,000 in fees alone for an immigrant to get a green card and start the five-year countdown to citizenship. A minimum-wage immigrant worker would need to save a full month's pay to afford the proposed fee.

#### Poor and Disabled Immigrants

The proposed fee increase would have a devastating and disproportionate impact on refugees, disabled, impoverished, and elderly immigrants. In theory, poor and disabled immigrants qualify to seek fee waivers when submitting benefit applications to USCIS. In practice, USCIS routinely denies those waiver requests, requiring burdensome documentation of eligibility and applying waiver standards indiscriminately. Many immigrants eligible to receive fee waivers end up paying the full amount of their application fees just to get their submissions processed. Fee waivers are meaningless alternatives to high application fees when USCIS makes them too difficult to obtain.

The proposed fee increase would place many refugees and disabled immigrants in jeopardy of losing subsistence income. A high percentage of refugees suffer from physical or mental disabilities, a result of persecution or abuse in their homeland. Disabled refugees and asylees who entered the U.S. after August 22, 1996 can access Supplemental Security Income (SSI) for only 7 years from the date they became a refugee or asylee. Their benefits are cut off at the end of that period unless they naturalize, and become U.S. citizens. Disabled immigrants receiving SSI cannot afford to pay the proposed \$675 application fee to naturalize. Fee waiver requests from eligible applicants are routinely denied. Disabled immigrants unable to pay the increased naturalization fee will be terminated from SSI, leaving them with no resources to cover their basic living expenses.

#### Quality of Submissions

Substantially raising application fees will likely increase the percentage of applications being submitted pro se, or without the assistance of legal professionals. Higher fees will leave many immigrants unable to afford both application and attorney fees. This will decrease the quality of applications being submitted, and increase the time and difficulty required by USCIS officials to process those applications. USCIS will issue more Requests for Evidence (RFEs) and Notices of Intent to Deny (NOID), in an attempt to complete deficient applications. This will increase, rather than decrease, application processing times. Instead of improving efficiency, the higher fees will have the opposite effect of decreasing the quality of submissions, further tying up USCIS resources.

#### Family Reunification

The ultimate outcome of a significant fee increase will be to reduce the number of immigration applications being filed. Because of a lack of resources, immigrants will be forced to defer, or even forgo, submitting applications for which they qualify. This will discourage family reunification and, in some instances, even separate existing family units. Higher filing fees will make some immigrants unable to petition for their eligible family members. In other cases, high fees will discourage lawful permanent residents from applying for citizenship. Without the protection of citizenship, those immigrants will be increasingly vulnerable to removal from the

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U.S. An increase in the removal of naturalization-eligible immigrants will break up mixed-status families.

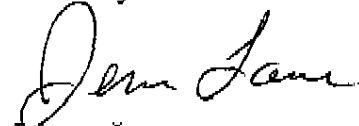
#### Alternative Options

USCIS argues that it has no other option than raising fees if it wants to cover its costs. In fact, there are no laws that require USCIS to fund all of its operations through fees. Nothing prevents USCIS from pursuing other sources of revenue, including asking Congress for appropriations. Indeed, USCIS has sought and received Congressional funding several times in the past. Our organizations support the Citizenship Promotion Act of 2007 (S. 795/H.R. 1379), which would authorize USCIS to request appropriations to make up the difference between fees charged and the amount needed to fully fund USCIS operations and infrastructure.

We applaud USCIS efforts to improve service. We nevertheless believe that the burden of paying for such improvements should not rest solely with immigrants who are already struggling to pay agency costs and receiving poor service. Immigration and citizenship benefit our entire country and as a nation we should invest in making the immigration system work effectively and efficiently. Immigrants bring their talent and hard work to our economy. They pay taxes and help revitalize our communities. In becoming citizens, immigrants demonstrate their strong commitment to their new home country by learning English, gaining knowledge about American history and government, and swearing allegiance to the United States. Newly naturalized citizens, eager to participate in our democracy, consistently vote at higher rates than other citizens. We should be encouraging immigrants to become part of our community by gaining legal status and becoming citizens, not setting up barriers that block their path and keep them out.

For all these reasons, the proposal to increase immigration fees is misguided and counterproductive. We urge USCIS to reconsider this proposal, and to seek other sources of funding for its operations, rather than add more burdens on immigrants. Thank you for your consideration.

Sincerely



Jeremy Lane  
Executive Director