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March 13, 2023

Samantha Deshommnes, Chief,  
Office of Policy and Strategy, Regulatory Coordination Division,  
U.S. Citizenship and Immigration Services

**Re: U.S. Citizenship and Immigration Services Fee Schedule, DHS Docket No. USCIS-2021-0010; RIN 1615-AC68**

Dear Chief Deshommnes,

The Center for Law and Social Policy (CLASP) appreciates the opportunity to express our opposition to the proposed rule by U.S. Citizenship and Immigration Services (USCIS) to raise fees for citizenship, green cards, family-sponsored visas, and other applications. CLASP is a national, nonpartisan, organization working to reduce poverty, promote economic security, and advance racial equity. CLASP works at both the federal and state levels, supporting policy and practice that make a difference in the lives of people living in conditions of poverty. **We are concerned that a number of increases in the proposed fee schedule will make immigration benefits less accessible to low-income and other vulnerable immigrants.**

**Fee waivers help but are not enough.** First, CLASP appreciates that the proposed rule would officially replace the enjoined Trump rule, which in addition to massive fee increases also severely limited immigrants' access to fee waivers. CLASP supports the proposed rule keeping humanitarian fees the same or in some cases reducing them, as well as the addition of new fee exemptions for certain humanitarian programs. Further, we recommend adding a child's receipt of free school meals to the list of means-tested benefits that are acceptable as required evidence of the parent's eligibility for a fee waiver on Form I-912. Nevertheless, CLASP believes increasing immigration fees will result in financial hardship for immigrant families with low incomes, despite the proposed rule maintaining and expanding the existing fee waiver policy. Research has shown that immigrant families continue to avoid enrolling in public benefit programs due to immigration-related concerns.<sup>1</sup> It therefore stands to reason that many immigrant families will not be able to provide documentation of their eligibility for fee waivers, due to the chilling effect of complex immigrant eligibility rules, confusion over public charge, and other fears. USCIS has made progress on removing barriers to citizenship, reducing the administrative backlog, and promoting naturalization. It has also removed barriers for other forms of immigration benefits. Increasing fees goes the opposite route and undermines the agency's progress and successes.

**Increasing immigration fees will exacerbate the racial wealth gap.** CLASP opposes USCIS increasing fees because it will price people out of receiving critical services and benefits. These vital benefits not only help immigrants economically, civically, and socially, but also benefit their families, communities, and our society. The proposed fee increases place the financial burden of USCIS’s budget cuts on those who will be the most disproportionately harmed by them—immigrant families with low incomes. Immigrants are more likely to live below the poverty line than the national population—14.6 percent compared to 11.8 percent.<sup>ii</sup> That rate is even higher among immigrants from the Middle East-North Africa (20.3 percent), Mexico (18.6 percent) and Central America (18.3 percent).<sup>iii</sup> By increasing fees, USCIS will be widening the racial wealth gap and exacerbating an already untenably expensive process for low-income and working-class immigrants seeking legal and economic stability in this country.

**The proposed fee schedule changes will hurt family-based immigration.** Family-based immigration is one of the immigration categories with the highest average percentage of fee increases in USCIS’s proposed schedule. These increases prevent family reunification and undercut the social and economic benefits of family-based immigration.<sup>iv</sup> As just one example, the proposed rule more than doubles the fee to file an I-485 form for children under the age of 14, bringing it up to match the proposed higher fee of \$1,540 required for older applicants. For an immigrant family of four with two young children, the cost of applying for permanent residence would increase 55 percent to \$6,160. The proposed fee changes will price out many of the approximately 9.2 million lawful permanent residents (LPRs) who are eligible for citizenship, especially the 70 percent of eligible LPRs who have incomes below 150% of the federal poverty level. The 19 percent increase to naturalization costs will prevent many LPRs from attaining citizenship. The 35 percent increase to the cost of green cards and related processes as well as a 33-101 percent increase in the cost of family-sponsored visas will make it more difficult to reunite with family members from abroad. Raising this bar to family-sponsored immigration will have tangible, adverse social and economic consequences for immigrant families and the communities in which they reside.

**The proposed fee increases are unfair and impoverish immigrants.** CLASP, a leader of the Children Thrive Action Network (CTAN), conducted a series of national listening sessions with immigrant parents and youth in 2022 and early 2023. In these sessions, participants repeatedly brought up the financial stress and mental anguish they experience from paying exorbitant fees for visas and waivers that take months or years to process, only to be rejected, having to start all over again, all while also shouldering thousands of dollars in legal fees. One participant became emotional as they explained, *“It’s not fair to ask us to pay for money we haven’t earned yet. It’s too much money, those fees, it’s just too much. You know I’ve lost my green card in April [or] March. I can’t afford to have another one. I want to go straight for citizenship. I’ve already paid, but they say if you don’t have the physical [green] card, you have to get it first and come back for [citizenship application]. It’s just too much, it is too much!”* In the proposed rule, submitting a new I-485 to register permanent residence would cost this individual \$1,540—35 percent more than it does currently. Moreover, many immigrants must pay these fees more than once due to processing errors on part of USCIS. Another immigrant mother described having to repeatedly pay the non-refundable \$930 fee to apply for a waiver of grounds of inadmissibility (Form I-601) to

reunite with her deported husband because no action was taken when she first filed the waiver application. Under the proposed rule, the fee for the I-601 would increase 13 percent, from \$930 to \$1,050. The experiences we heard from immigrants make it clear that the U.S. immigration system impoverishes people, both financially and emotionally.

The cost of immigrating has increased sixfold since 1989.<sup>v</sup> In the decades since, policymakers have continued to direct more resources to immigration enforcement, while simultaneously retaining barriers to legal immigration. Since its inception, funding for Immigration and Customs Enforcement (ICE) has increased by over 150%.<sup>vi</sup> In comparison, USCIS has historically been financed by application fees for immigration and naturalization applications, at times for more than 95% of its budget. Unlike the ICE budget that has seen continuous growth, the USCIS budget only began to see modest increases in response to the exacerbated application backlogs during the COVID-19 pandemic. It was not until President Biden's most recent budget proposal for FY 2023 that USCIS is seeing more opportunity for funding, including an allocation of \$765 million for application processing – a 200% increase above the spending level in 2022.<sup>vii</sup> In comparison, FY 2023 funding request for ICE is \$8.5 billion, over 1.5 times that of USCIS's overall budget request for \$5.3 billion.<sup>viii</sup> These funding patterns clearly demonstrate our country's immigration priorities—that we favor ineffective, punitive enforcement measures over lasting investments in a humane, navigable immigration system for those seeking to live and work in the United States.

Applicants for immigration benefits are not responsible for the backlogs or USCIS' financial situation, and they should not carry the burden. Immigrants are not bottomless funding sources that USCIS can plunder to make up the deficit caused by Congress's unwillingness to appropriately fund this agency. Further, by financially burdening immigrants who require basic immigration services, USCIS undermines immigrants' ability to move through the legal immigration process even as President Biden calls for a pathway to citizenship for Dreamers, those on temporary status, farm workers, and essential workers.<sup>ix</sup> For these reasons, CLASP respectfully urges USCIS to withdraw the proposed rule increasing fees.

Thank you for the opportunity to comment on this important issue. If you have further questions, please contact Juliana Zhou at [jzhou@clasp.org](mailto:jzhou@clasp.org).

Sincerely,

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Policy Analyst  
Center for Law and Social Policy

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<sup>i</sup> Jennifer M. Haley, Dulce Gonzalez, Genevieve M. Kenney, “Immigration Concerns Continued to Deter Immigrant Families with Children from Safety Net Programs in 2021, Compounding Other Enrollment Difficulties,” December 15, 2022, <https://www.urban.org/research/publication/immigration-concerns-continued-deter-immigrant-families-children-safety-net>;

Hamutal Bernstein, Dulce Gonzalez, Paola Echave, and Diana Guelespe, “Immigrant Families Faced Multiple Barriers to Safety Net Programs in 2021,” November 2022, <https://www.urban.org/sites/default/files/2022-11/Immigrant%20Families%20Faced%20Multiple%20Barriers%20to%20Safety%20Net%20Programs%20in%202021.pdf>.

<sup>ii</sup> Abby Budiman, Christine Tamir, Lauren Mora, and Luis Noe-Bustamante, “Facts on U.S. immigrants, 2018,” August 20, 2020, <https://www.pewresearch.org/hispanic/2020/08/20/facts-on-u-s-immigrants-current-data/>.

<sup>iii</sup> Dedrick Asante Muhammad and Janessa Chu, “Racial Wealth Snapshot: Immigration And The Racial Wealth Divide,” February 3, 2023, <https://ncrc.org/racial-wealth-snapshot-immigration-and-the-racial-wealth-divide/>.

<sup>iv</sup> “The Advantages of Family-Based Immigration,” American Immigration Council, March 14, 2013, <https://www.americanimmigrationcouncil.org/research/advantages-family-based-immigration>.

<sup>v</sup> Madeleine Sumption and Sarah Flamm, “The Economic Value of Citizenship for Immigrants in the United States,” Migration Policy Institute, September 2012, <https://www.migrationpolicy.org/pubs/citizenship-premium.pdf>.

<sup>vi</sup> “The Cost of Immigration Enforcement and Border Security,” American Immigration Council, January 2021, <https://www.americanimmigrationcouncil.org/research/the-cost-of-immigration-enforcement-and-border-security>.

<sup>vii</sup> Department of Homeland Security, “United States Citizenship and Immigration Services Budget Overview: Fiscal Year 2023 Congressional Justification,” March 2022, [https://www.dhs.gov/sites/default/files/2022-03/U.S.%20Citizenship%20and%20Immigration%20Services\\_Remediated.pdf](https://www.dhs.gov/sites/default/files/2022-03/U.S.%20Citizenship%20and%20Immigration%20Services_Remediated.pdf).

<sup>viii</sup> Department of Homeland Security, “FY 2023 Budget in Brief,” March 2022, [https://www.dhs.gov/sites/default/files/2022-03/22-%201835%20-%20FY%202023%20Budget%20in%20Brief%20FINAL%20with%20Cover\\_Remediated.pdf](https://www.dhs.gov/sites/default/files/2022-03/22-%201835%20-%20FY%202023%20Budget%20in%20Brief%20FINAL%20with%20Cover_Remediated.pdf).

<sup>ix</sup> White House Briefing Room, “Remarks of President Joe Biden – State of the Union Address as Prepared for Delivery,” February 07, 2023, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/02/07/remarks-of-president-joe-biden-state-of-the-union-address-as-prepared-for-delivery/>.