

CENTER for PUBLIC POLICY PRIORITIES

Friday, July 05, 2019

Submitted via email
OMB USCIS Desk Officer
dhsdeskofficer@omb.eop.gov

Re: Agency USCIS, OMB Control Number 1615-0116 - Public Comment Opposing Changes to Fee Waiver Eligibility Criteria, Agency Information Collection Activities: Revision of a Currently Approved Collection: Request for Fee Waiver FR Doc. 2019-11744, Filed 6-5-19; 84 FR 26137

Dear Desk Officer:

On behalf of the Center for Public Policy Priorities in Austin, Texas, I write today in opposition to U.S. Citizenship and Immigration Services' (USCIS) proposal to change fee waiver eligibility criteria, OMB Control Number 1615-0116, published in the Federal Register on June 5, 2019. We are filing these comments by the deadline of July 5, 2019.

The Benedictine Sisters of Boerne, Texas, founded CPPP in 1985 to advance public policy solutions for expanding access to health care. We became an independent, tax-exempt organization in 1999, and over time our focus has expanded to include economic opportunity and fiscal policy. We are based in Austin, Texas, and work statewide. At CPPP, we believe in a Texas that offers everyone the chance to compete and succeed in life. Administrative advocacy is one important way we use data and analysis to enable Texans of all backgrounds to reach their full potential.

The Center for Public Policy Priorities strongly opposes the proposed rule, which would cut off access to citizenship for hundreds of thousands of eligible immigrants who apply for a fee waiver due to the high cost of application fees. We do not believe this aligns with our values as a country. For many immigrants, America is a land of opportunity and freedom. It takes years of perseverance and dedication to take steps towards naturalization. Preventing individuals from accessing the fee waiver through use of public benefits would discourage eligible immigrants from becoming citizens based on their wealth and class status. A person's value and worth is measured in more than just the amount they have in their bank accounts.

The cost of applying is one of the main barriers preventing low-income immigrants who are lawfully present from applying for naturalization. Currently, low-income immigrants who use a means-tested public benefit (such as SNAP/food stamps or supplemental security income/SSI) need only show proof of their benefit in order to qualify for the fee waiver to reduce the cost of the citizenship application fee.

Under the proposed changes, applicants will be required to provide new documents, such as a federal tax transcript from the IRS, in order to prove their eligibility for a fee waiver. It places an additional unjustified burden on applicants, particularly those who are limited-English proficient (LEP), elderly, or have limited access to a computer or internet.

Implementing this proposed change would negatively impact the most vulnerable in our community: women and families and the aging and disabled. The majority of fee waiver recipients are women, many of whom support young children and are survivors of domestic violence and depend on life-saving means-tested public benefits. In addition, many elderly and disabled immigrants may rely on familial support and public benefits because they are unable to work. Fee waivers are critical to ensuring such individuals are not denied the opportunity of citizenship or discouraged from applying.

To create arbitrary procedural and financial barriers that deny immigrants who have fulfilled all requirements of their lawful status and who are eligible for naturalization the ability to become U.S. citizens represents not only a failure to follow through on promises made under current U.S. immigration policy, but also an unfunded cost-shift from the federal government to state and local governments. Texas communities will bear additional fiscal burdens of caring for vulnerable residents such as frail elders without the federal fiscal partnership that citizenship can confer. Naturalization is associated with increased earnings and incomes, increased home ownership, and better access to private health insurance. By increasing barriers to economic advancement, the proposed policy change would reduce the overall economic well-being of our state, which is home to about 5 million foreign-born residents, and where more than one in four children has a non-U.S. citizen parent. Immigrants are fully woven into the fabric of Texan life and economy, and policies which harm their economic mobility harm all Texans.

The current notice vastly underestimates the burden that this change will cause to applicants and the legal service providers who represent them. Eligible individuals will be foreclosed from applying for an immigration benefit. Naturalization applicants are the largest group of persons applying for these fee waivers, and the notice makes no acknowledgment of the impact this will have on persons seeking citizenship.

USCIS now provides a contradictory rationale that purports to improve adjudication consistency but would simultaneously disqualify as many people as possible to raise more revenue. No reasonable basis is provided for such contradictory goals, and no thorough research of the impact of fee waivers and increases in USCIS fees is presented.

USCIS should review the development of the current fee waiver standards and engage in a reasoned analysis of how it arrived at its current proposal. Nothing in the current notice indicates an understanding of how and why the current form and guidance were created in 2010, which is critical to planning any changes. The current Form I-912 request for fee waiver with its three-step eligibility formula, and the 2011 guidance, were specifically created to simplify the fee waiver adjudication process. The eligibility for receipt of a means-tested benefit was the linchpin of that simplified process.

We urge USCIS, rather than implement this proposed revision, to perform public outreach to include public meetings, teleconferences, and in-person meetings with immigrant organizations concerned with this issue to gather information, and then engage in full notice and comment procedures on all substantive changes proposed in order to ensure the fair and efficient adjudication of immigration benefits and naturalization.

In sum, CPPP urges you to reconsider your proposal to change the fee waiver eligibility criteria. If you have any questions about these comments, please contact Associate Director Anne Dunkelberg at dunkelberg@cppp.org.

Sincerely,

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