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Submitted via www.regulations.gov

Ms. Samantha Deshommes, Chief
Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave. NW
Washington, DC 20529

Re: U.S. Citizenship and Immigration Services Fee Schedule, DHS Docket No. USCIS-2019-0010; RIN 1615-AC18

Dear Chief Deshommes:

HIAS Pennsylvania respectfully submits this comment on the proposed U.S. Citizenship and Immigration Services (USCIS) Fee Schedule, published on November 14, 2019, and requests that USCIS withdraw all provisions that make immigration benefits less accessible to low-income and other vulnerable immigrants.

The proposed USCIS fee schedule disproportionately increases fees, eliminates fee waivers and inappropriately usurps Congress' appropriations function by funneling these increases to Immigration and Customs Enforcement (ICE). HIAS PA opposes this attempt to steer taxpayer dollars to ICE when Congress has made it clear that ICE should not receive more funding. Our agency has a 98% success rate with respect to our legal work, which means that 98% of the clients we represent are legally in this country and eligible for immigration remedies. ICE's work, in large part, involves detaining immigrants who are eligible to remain but have either not yet completed their legal process or do not have access to legal assistance for seeking legal status. Congress has already recognized that using taxpayer dollars to increase ICE's ability to detain people who are here legally and who contribute enormously to the U.S. economy and to the U.S. citizens who depend on them is a misuse of funds. The Executive branch cannot accomplish by fiat what is rightfully a matter for Congress to decide.



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I. Increasing Fees will not result in Reducing the USCIS Backlog

For the past decade, USCIS has steadily increased filing fees while mismanaging taxpayer funding and has seen no major strides towards tackling USCIS' massive backlog of cases or improving customer service; even if the fee increases were directed towards USCIS to remedy these issues, rather than to ICE, the proposed Fee Schedule should still not be implemented because of the way that it discourages the advancement of low-income immigrants in the immigration system.

II. Diverting Fees to ICE Usurps Congressional Authority and Is Inappropriate

For over 100 years, HIAS PA has provided legal, resettlement, citizenship, and supportive services to immigrants, refugees, and asylum seekers from all backgrounds in order to ensure their fair treatment and full integration into American society. In Fiscal Year 2018-2019 alone, we served 4,217 clients from 137 countries, most of whom fled extreme violence and persecution to seek a safe and stable life in the U.S. While we see clients at their most vulnerable, after our clients leave us, most go on to become steady, contributing neighbors, friends, community members and, ultimately, citizens. We frequently receive messages from descendants of our clients who, because of struggles that our clients went through, were able to become productive, even in many cases wealthy American citizens. Many of our clients or their children become entrepreneurs, creating successful businesses that employ many people and provide those people with wages and health insurance.

III. Eliminating the Fee Waiver Creates a Permanent Underclass and Will Increase Homelessness and Hunger

Preventing low-income persons from stabilizing their legal status and fully integrating into American society hurts Americans as much or more than it hurts those immigrants who will be turned away as a result of this rule. It is foolish in the extreme to create a class of persons who can never fully integrate or who remain at risk of unstable status. Some of our most vulnerable clients will be among those most greatly impacted by this proposed rule. The increased fees and elimination of fee waivers will serve as barriers to applying for citizenship, barring our clients from the associated benefits of naturalization. For some, the inability to naturalize will mean a loss of crucial benefits that could leave them homeless.

In addition, with respect to those low income immigrants who are disabled and unable to work, these proposed rules threaten to render every single one of those persons homeless. Legal Permanent Residents (LPRs) who are disabled are eligible for Supplemental Security Income. However, in order to sustain this income, an LPR must naturalize within seven years. Under the proposed rule, these LPRs will not be able to naturalize since the fee will be unaffordable and there will no longer be a process for getting that fee waived. Without any ability to work and no income, the clear outcome for a disabled LPR who can't naturalize will be starvation and homelessness; in short, as with asylum seekers, desperation.

Creating a large group of disenfranchised non-citizens, rendering hundreds of thousands of persons desperate, creating increased homelessness and hunger is not what good government does. This proposed rule is outrageous in its naked attempt to ignore Congress and its wholesale creation of negative societal consequences for no benefit. For the reasons provided here, USCIS should promptly withdraw the provisions of its proposed fee schedule that would make immigration benefits less accessible to hard-

working families and vulnerable people, violate our obligations under international law to asylum seekers and unconstitutionally usurp Congress' authority.

IV. USCIS Should Not Impose Fees on Asylum Seekers

It is our obligation as a signatory to the 1967 Protocol of the 1951 Convention Relating to the Status of Refugees to accept asylum seekers. As part of the proposed USCIS Fee Schedule, a \$50 fee will be charged to those filing for affirmative asylum. It is absurd to expect people who have fled extreme violence and persecution to have the means to pay a fee for their asylum application. The creation of this fee will make the U.S. one of only four countries in the world to charge asylum seekers for seeking protection and will violate our obligations under the 1967 protocol to ensure access to asylum for asylum seekers. If other countries follow suit, this will have disastrous consequences for the refugee crisis as the world faces the highest number of displaced people in history at 71 million. The U.S. should adhere to its international and domestic obligations and not refuse asylum seekers their chance to seek protection simply because of the inability to pay.

The proposed rule also threatens the livelihoods of asylum seekers by attaching fees to their first Employment Authorization Document (EAD). Under current policy asylum seekers are exempt from the filing fee for their first EAD while they await their asylum decision. Under the proposed rule, they will be required to pay a \$495 filing fee. Without being able to work, there is no way for them to earn money to pay the fee. This policy will only function to force asylum seekers out of the workforce and into extreme poverty with detrimental economic consequences for the asylum-seeker, immigrant-driven job sectors and the community at large. Asylum-seekers are here legally and we have an obligation to ensure that they can proceed with their successful integration. Leaving them without any ability to support themselves while they wait only creates desperation.

V. Naturalization Fees Should Be Affordable

The proposed fee schedule would increase the filing fee for naturalization by 83% from \$640 to \$1,170 *and* eliminate the possibility of getting these exorbitantly increased fees waived under any circumstance. This fee hike will make naturalization nearly impossible for low-income immigrants. The benefits of naturalization include voting rights, access to federal aid for college, and the right to petition for the arrival of family members living abroad, among many others. An increased naturalization fee, coupled with no ability to obtain a waiver of that fee, threatens to disenfranchise thousands of Legal Permanent Residents (LPRs) who cannot pay the fee. This will create a permanent group of disenfranchised non-citizens who will be forced to pay taxes on their wages but never be able to enjoy the benefits of citizenship; in short, this growing non-citizen class will form an ever-larger group of American residents who will suffer taxation without representation. It was to arrest this very fate that our country was founded.

VI. Conclusion

This rule is a naked attempt to both prevent low-income immigrants from voting and accessing the stability that they need to integrate successfully, and to usurp Congress' role by providing funding to ICE.

There is no minimally valid governmental interest that is served in this proposal. We oppose every change outlined in the proposed fee schedule and ask that the entire rule be overturned.

Thank you for the opportunity to submit comments on USCIS' proposed fee schedule. Please do not hesitate to contact me for further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cathryn Miller-Wilson".

Cathryn Miller-Wilson
Executive Director