

Ms. Samantha Deshommnes,
Chief Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
20 Massachusetts Ave. NW Washington, D.C. 20529

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

Dear Chief Deshommnes:

On behalf of the Human Rights Campaign's nearly 3 million members and supporters nationwide, we submit these comments in opposition to the Department of Homeland Security's Notice of Proposed Rulemaking on U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, DHS Docket No. USCIS-2019-0010, in the Federal Register at 84 F.R. 62280, issued November 14, 2019. As the nation's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender, and queer (LGBTQ) equality, we strongly oppose any rule that would increase fees and restrict access to benefits for vulnerable immigrant populations and their families.

I. Rule

The proposed USCIS fee schedule would create significant fee increases across the board, including an increase in filing fees for naturalization and adjustment of status, Deferred Action for Childhood Arrivals (DACA) renewals, and the imposition of a fifty-dollar fee on asylum applications.¹ In addition, the schedule would eliminate fee waivers for all categories except those which have been required by statute, a decision that would disproportionately harm low-income immigrants.

II. Fee Increases Favor Wealthy Immigrants

a. Naturalization and Adjustment of Status

The proposed rule would increase the filing fee for Naturalization applications from \$640 to \$1,170, an 83% increase². For individuals applying to adjust their status from temporary to permanent, the current fee of \$1,225 would no longer be enough to cover the cost of their application, which bundled documents for employment and travel authorization. As a result of the new rule, applicants for adjustment of status would be forced to pay separate fees for each form, even if they are filing each document concurrently. Consequently, applicants can expect to pay \$2,195 in filing fees, a 79% increase in cost.

¹ U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 84 Fed. Reg. 62,280, 62,294 (proposed Nov. 14, 2019).

² *Id.*

The proposed fee schedule would add an additional burden to immigrants who are pursuing legal pathways to citizenship and residency. The significant hike in costs would deter many immigrants from applying for citizenship or adjusting their status, and with approximately 9 million Legal Permanent Residents (LPR) currently eligible to naturalize, this is no insignificant matter³. There are substantial benefits to promoting pathways to citizenship. Naturalization facilitates assimilation into the U.S. labor market, which encourages consumer spending and stimulates the economy.⁴ Immigrants who become citizens also show high levels of patriotism and support for American political institutions⁵.

b. DACA Renewals

For the eligible recipients of DACA known as “Dreamers”, an additional \$275 fee would increase the costs associated with DACA renewal from \$495 to \$765. The new total represents a 55 percent increase in fees and creates a substantial hardship for young immigrants looking to remain in the United States.

Most Dreamers are aged 25 or younger⁶, and over one-third live in families with annual incomes below the poverty line⁷. Additionally, an estimated 36,000 DACA recipients are also LGBTQ. These individuals are in an especially precarious situation, as a failure to renew DACA applications places them in danger of returning to countries where they could face potential violence and discrimination as a result of their sexual orientation or gender identity.

c. Asylum Applications

The imposition of a \$50 application fee for affirmative asylum seekers would make the United States just one of four nations in the world to charge those who are fleeing persecution in their home countries.⁸ Refusal of an asylee because of their inability to pay an application fee directly

³ ROBERT WARREN and DONALD KERWIN. *THE US ELIGIBLE-TO-NATURALIZE POPULATION: DETAILED SOCIAL AND ECONOMIC CHARACTERISTICS*, 3 J. Migration & Hum. Security 306, 306 (2015).

⁴ LAURA COLLINS, *AMERICA SHOULD NATURALIZE MORE IMMIGRANTS TO BENEFIT ECONOMY*, THE HILL (Mar. 22, 2019)

<https://thehill.com/opinion/immigration/435308-america-should-naturalize-more-immigrants-to-benefit-economy>

⁵ ALEX NOWRASTEH and ANDREW C. FORRESTER, *IMMIGRANTS RECOGNIZE AMERICAN GREATNESS: IMMIGRANTS AND THEIR DESCENDANTS ARE PATRIOTIC AND TRUST AMERICA'S GOVERNING INSTITUTIONS*, CATO INSTITUTE (Feb. 4, 2019)

<https://www.cato.org/publications/immigration-research-policy-brief/immigrants-recognize-american-greatness-immigrants>

⁶ *KEY FACTS ABOUT UNAUTHORIZED IMMIGRANTS ENROLLED IN DACA*, PEW RESEARCH CENTER (September 2017)

<https://www.pewresearch.org/fact-tank/2017/09/25/key-facts-about-unauthorized-immigrants-enrolled-in-daca/>

⁷ ZENÉN JAIMES PÉREZ, *A PORTRAIT OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS RECIPIENTS*, United We Dream, October 2015. <http://unitedwedream.org/wp-content/uploads/2015/10/DACA-report-final-1.pdf>

⁸ ZOLAN KANNO-YOUNGS AND MIRIAM JORDAN, *NEW TRUMP ADMINISTRATION PROPOSAL WOULD CHARGE ASYLUM SEEKERS AN APPLICATION FEE*, N.Y. TIMES (NOV. 8, 2019)

<https://www.nytimes.com/2019/11/08/us/politics/immigration-fees-trump.html>

contradicts our domestic and international obligations concerning asylum seekers, including those under the 1967 Protocol. Accession to the Protocol meant American recognition of global safeguards for noncitizens seeking protection from persecution and of our obligation to accept asylum seekers.

For LGBTQ migrants looking to escape violent or unstable regions, an inability to pay the new asylum fee could be life-threatening, as remaining in their home countries is often not a safe option. According to the United Nations High Commissioner for Refugees (“UNHCR”), 88% of LGBTQ asylum seekers and refugees fleeing persecution from the Northern Triangle, for example, have faced instances of sexual and gender-based violence in their home country.⁹ Imposing a fee on asylum applications unnecessarily restricts access to the protections that the United States has guaranteed those seeking shelter at its shores, and discriminates against migrants based upon their financial status.

III. Loss of Fee Waivers

The proposed rule intends to abolish filing fee waivers for all categories except those that are required by law. For low-income immigrants applying for citizenship, employment authorization and other statuses, this presents as a considerable hardship and leaves benefits accessible primarily to affluent. The rule would, in effect, exclude millions of eligible immigrants and refugees from the application process simply because they are unable to afford the associated fees. For many immigrant families, additional financial burdens would place citizenship beyond their reach.

IV. Conclusion

The proposed immigration fee increases and elimination of fee waivers undermine American values and our international obligations toward those seeking shelter. Citizenship and immigration benefits should not be restricted based on one’s economic background or ability to pay an application fee. We strongly oppose the creation of financial barriers that block some of the world’s most vulnerable populations - including LGBTQ people - from seeking the protections they are entitled to under U.S. and international law.

⁹ AMNESTY INT’L, *NO SAFE PLACE: SALVADORANS, GUATEMALANS, GUATEMALANS, AND HONDURANS SEEKING ASYLUM IN MEXICO BASED ON THEIR SEXUAL ORIENTATION AND/OR GENDER IDENTITY* 7 (2017), available at <https://www.unhcr.org/en-us/5a2ee5a14.pdf>