

ALLIANCE FOR IMMIGRANT SURVIVORS

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Submitted via: www.regulations.gov

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U.S. Citizenship and Immigration Services
Department of Homeland Security
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On behalf of 56 organizations that serve survivors of domestic violence, sexual assault, and human trafficking, we are submitting comments in response to the Department of Homeland Security's (DHS) Notice of Proposed Rulemaking on U.S. Citizenship and Immigration Services (USCIS) Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, published in the Federal Register on January 4, 2023. The following comments intend to address the impact that a potential proposed fee rule will have on immigrant survivors of domestic violence and sexual assault.

We applaud the efforts that USCIS has made in the proposed rule that support victims seeking certain survivor-specific forms of immigration status, including exemptions from fees for applicants seeking status as VAWA Self-Petitioners, applicants for T visas, U visas, and Special Immigrant Juvenile (SIJ) status, as well as exemptions from fees for adjustment of status for T visa holders, VAWA Self-petitioners filing I-360's concurrently with their adjustment applications, and those who have status under the Cuban Adjustment Act (CAA) and the Haitian Refugee Immigrant Fairness Act (HRIFA), and SIJs. These exemptions will benefit both USCIS and survivors of domestic violence, sexual assault, and human trafficking by reducing the administrative burden of adjudicating many requests for fee waivers, reducing critical waiting time for applications to be adjudicated.

In addition, we appreciate USCIS' reiteration of the availability of fee waivers for other survivors seeking adjustment of status, such as VAWA Self-Petitioners who are not filing concurrent I-360's and I-485's, U visa holders, and conditional residents seeking waivers of joint filing requirements based on battery or extreme cruelty, among others. **However, we highly recommend that USCIS exempt filing fees for all survivor-based categories.** Doing so would reduce confusion among survivors as well as the service providers that work with them. The immense barriers to financial resources due to domestic violence, sexual assault, or human trafficking apply to those who are

seeking safety across all survivor-based immigration categories, not only those who happen to qualify for T-visas, SIJ, or who happen to be eligible to apply for adjustment of status concurrently with their VAWA Self-Petitions because they were abused by a U.S. Citizen.

Having consistent fee exemptions across survivor-based immigration categories, including for applications to adjust status, would reduce the significant burden on immigrant survivors. Immigrant survivors often face additional financial burdens and safety risks when they have to gather the documents needed to support fee waivers including gathering financial documents in locations where abusers/perpetrators may access them or from exploitative employers. It would also reduce the administrative burden on victim services providers who are faced with trying to keep track of confusing and inconsistent rules about different categories of immigrant survivors.

Relatedly, we are concerned about the size of the increases in filing fees across the board, and **the impact of the proposed fee rule on large numbers of victims who do not seek, or who are ineligible for survivor-specific forms of status, and thus, will be negatively impacted by the significant increases proposed.** Given the significant delays in the processing of various survivor related applications, U-visa applications taking six years for example, survivors may choose to pursue their status through other pathways.

Even in instances where survivors already have secure immigration status and a proposed rule would not directly apply to their cases, their family members who may be seeking admission or permanent residence, such as those sponsored by survivors, or those living in their households, will be impacted.

In particular, we are concerned about the significant increase in cost to apply for Adjustment of status from \$1,140 to \$1,540, an increase of \$400. In addition to the higher costs to adjust status, the higher costs to apply for employment authorization (i.e., online from \$410 to \$555, and on paper, from \$410 to \$650) will negatively impact the ability of survivors to care for their families, maintain stable housing and food, and will increase hardship on them and their families.

As DHS and the Administration build their agency budgets, **we urge that the Agency work with Congressional appropriators not only to seek funding for backlog reduction, but also ongoing and consistent funding to support the processing of humanitarian applications,** including VAWA Self-Petitioners, T-visas, U-visas, SIJ cases, asylum, and humanitarian parole cases, among others.

Finally, we request that USCIS formally withdraw the 2020 USCIS Fee Schedule and Immigration Benefit Request Requirements (CIS No. 2627-18; DHS Docket No. USCIS-2019-0010, Aug. 3, 2020) (the “2020 Fee Schedule”), in the event the current fee proposal is ultimately not adopted following possible future judicial review. If, for any reason, a court were to find that some portion of the new fee proposal is unlawful, the result should not be a return to the 2020 Fee Schedule, which would be

unreasonably burdensome on survivors seeking fee waivers, or those applying for asylum. Rather, by formally withdrawing the 2020 Fee Schedule, USCIS can assure that the result would be a return to the current status quo, which is the 2016 Fee Schedule now in effect. Also, USCIS should state that its withdrawal of the 2020 Fee Schedule is severable from the remainder of the current proposal, so that any judicial invalidation of any portion of the current proposal would not endanger the lawful and appropriate decision to withdraw the 2020 Fee Schedule.

Thank you for the opportunity to provide input on the impacts of the proposed fee rules on immigrant survivors.

Sincerely,

Alliance for Immigrant Survivors Co-Chairs

Asian Pacific Institute on Gender-Based Violence

ASISTA

Esperanza United (formerly Casa de Esperanza: National Latin@ Network)

Tahirih Justice Center

National Organizations

BWJP

DeafHope

Freedom Network USA

GBV Consulting

Immigrant Legal Resource Center

Immigration Center for Women and Children

Immigration Hub

Just Solutions

Justice for Migrant Women

Legal Momentum, the Women's Legal Defense and Education Fund

Lovelace Consulting Services, Inc.

National Alliance to End Sexual Violence

National Center on Domestic and Sexual Violence

National Coalition Against Domestic Violence

National LGBTQ Institute on Intimate Partner Violence

National Network to End Domestic Violence

South Asian SOAR

The National Domestic Violence Hotline

The National Indigenous Women's Resource Center

Ujima Inc., The National Center on Violence Against Women in the Black Community

USOW

ValorUS
Women's March
YWCA USA

Statewide Organizations

California Partnership to End Domestic Violence
California Rural Legal Assistance Foundation (CRLA Foundation)
Connecticut Institute for Refugees and Immigrants
End Domestic Abuse Wisconsin
IL Coalition Against Domestic Violence
The Immigration Project
Kentucky Coalition Against Domestic Violence
New York State Coalition Against Domestic Violence
Ohio Domestic Violence Network
Progreso Latino
Rhode Island Coalition Against Domestic Violence
RMIAN
Violence Free Minnesota
Wisconsin Coalition Against Sexual Assault

Regional and Local Organizations

Asian Americans for Community Involvement (AACI)
Bread for the City
Brost Law Office
Her Justice
Hope Immigration, LLC
The Legal Project
Los Angeles Center for Law and Justice
Los Angeles LGBT Center
Mujeres Latinas En Accion
The Network: Advocating Against Domestic Violence
SEAMAAC
Orange Child
Resources And Help Against Marital Abuse
The Retreat