



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.



Migration and
Refugee Services
Renewing Hope. Seeking Justice.
UNITED STATES CONFERENCE OF CATHOLIC BISHOPS



Catholic
Charities
USA®

March 10, 2023

Submitted via Regulations.gov

Samantha Deshommès
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: Comments on USCIS-2121-0010-0001, Notice of Proposed Rulemaking; U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements

Dear Ms. Deshommès:

The Catholic Legal Immigration Network, Inc. (CLINIC), the United States Conference of Catholic Bishops (USCCB), and Catholic Charities USA (CCUSA) respectfully submit these comments in response to the notice of proposed rulemaking (NPRM or proposed rule) titled “U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements.” We are concerned that several of the proposed fee increases would impose too high a barrier to access lawful immigration status. While we appreciate the agency’s efforts to minimize fee increases for forms related to naturalization and some humanitarian categories, many of the changes would nonetheless make applying for and maintaining lawful immigration status unaffordable for many immigrants. Low-income immigrants are most susceptible to the proposed increases. We request that U.S. Citizenship and Immigration Services (USCIS) reconsider a number of the proposed fee changes, which would cause a disparate impact on the most vulnerable populations and prevent low-income immigrants from achieving or maintaining lawful status or progressing along the pathway toward U.S. citizenship.

Embracing the Gospel value of welcoming the stranger, CLINIC promotes the dignity and protects the rights of immigrants in partnership with a dedicated network of nonprofit immigration legal service programs. CLINIC’s network of legal services programs helps provide affordable legal representation to their immigrant neighbors. This network includes approximately 450 programs operating in 49 states and the District of Columbia. CLINIC’s network employs roughly 1,400 attorneys and accredited representatives who, in turn, serve hundreds of thousands of low-income immigrants each year. CLINIC’s affiliates offer representation for family-based immigration, naturalization and citizenship, religious workers, humanitarian, and other categories implicated by the proposed changes.

The USCCB is a nonprofit corporation whose members are the active Catholic bishops of the United States. The USCCB promotes the pastoral teachings of the bishops in diverse areas of the nation’s life, including migration. The USCCB’s Department of Migration and Refugee Services (MRS), guided by the bishops’ Committee on Migration, has long collaborated with the U.S. government to welcome and promote the integration of refugees, unaccompanied migrant children, and other newcomers through a variety of programs. For example, since the inception of the U.S. Refugee Admissions Program (USRAP) in 1980, MRS and its local partners have assisted in resettling over one million individuals, nearly one-third

of all those resettled through USRAP. This work assisting newcomers stems from the Catholic Church's commitment to the God-given dignity of every person, the sanctity of human life, and the teachings of Jesus Christ.

CCUSA is the voluntary national membership organization for Catholic Charities agencies throughout the United States and its territories, each of which is a separate legal entity under the auspices of its bishop. CCUSA's 167 member agencies operate in over 3,000 service sites across 50 states, Washington D.C., and the U.S. territories and have a long history of serving local communities and alleviating poverty. In fulfillment of the Gospel mandate of Matthew 25 and consistent with Catholic social teaching, the Catholic Charities network is committed to welcoming newcomers to this country with charity and respect for the human person, as it has done for over 100 years. In 2021, the Catholic Charities nationwide network served more than 15 million people across the country with an array of social services, including over 600,000 immigrants, refugees, and asylees. In addition, the network welcomed 225,000 asylum seekers and provided essentials in the same year.

As Catholic organizations, we are guided by the Gospel and Catholic social teaching, which emphasizes welcoming and accompanying the newcomer and caring for persons in poverty as an expression of Christ's love for all. The Church teaches that these obligations flow from the inalienable dignity of each human person and that society upholds this dignity by promoting the common good. Moreover, we strongly believe that the family unit is the "building block of society"¹ and that we must work to maintain and protect the family.

Given our organizations' ministries to immigrants and refugees around the country, we are deeply concerned that some of the proposed fee and policy changes would disproportionately harm low-income immigrants and their families, reducing their access to immigration benefits for which they qualify and derivative benefits that support the health and wellbeing of many families. As we discuss in more detail below, the anticipated harm that would result from these proposals goes beyond immigrants and the organizations that serve them but have much larger societal implications, most notably affecting family unity and stability. Included among these implications is the potential chilling effect of significantly increased fees on faith-based organizations seeking to sponsor foreign-born religious workers to provide essential services to American communities.

We submit the following comments, expressing our core concerns regarding the proposed rule:

Religious Organizations and Religious Workers

Foreign-born religious workers provide essential services to American communities across the United States. Catholic dioceses and institutes of religious men and women rely heavily upon qualified religious sisters, brothers, and lay missionaries from abroad, which is why they are sponsored by U.S. religious organizations to fulfill these services. Religious workers are an integral part of American communities. Some fill a growing need in the Catholic Church for those called to religious vocations. Others provide critical services to local communities in areas including health care, education, and also care for vulnerable populations, such as abused and neglected children, the elderly, immigrants, refugees, and more.

Due to the increasingly diverse ethnic makeup of our religious congregations and the nation as a whole, the Religious Worker Visa Program is particularly important for addressing the specific pastoral and

¹ Letter from Pope Francis to Cardinal Kurt Koch (Oct. 4, 2013), available at https://www.vatican.va/content/francesco/en/messages/pont-messages/2013/documents/papa-francesco_20131004_world-council-churches.html.

service-related needs of ethnic groups, including the Hispanic, Asian, and African communities. This program is also important because religious organizations face obstacles in using traditional employment-related categories, which historically have not fit their unique situations.

Form I-129 Petition for Religious Workers Should Not Burden Religious Organizations

Catholic dioceses and religious congregations are among those that frequently need to submit petitions for foreign-born religious workers to serve the needs of American communities. As such, we are concerned that the proposed fee for the Form I-129 petition category for nonimmigrant religious workers would be excessively burdensome on U.S. religious worker sponsors. Under the proposed fee schedule, religious worker petitions would have a filing fee increase from \$460 to \$1,015. This is a staggering 121% change—one of the highest percentage increases for nonimmigrant workers. We oppose these fee increases because they would disproportionately affect small religious organizations, parishes, and communities that serve charitable functions in our society. International religious workers provide vital services for the health, well-being, and spiritual nourishment of communities throughout the United States. Filing fee adjustments for the religious worker program should heavily weigh the nonprofit nature of the sponsor.

Faith-based organizations play a critical role in society and often serve as a safety net for those especially in need (children, the poor, the elderly, etc.). This work is incredibly challenging for these religious organizations, in part, because of the limited resources available to them. In addition, the employees who serve these organizations typically receive limited compensation for the important work they do or no financial compensation at all in the case of those professing certain religious vows. The significance of their work is rooted in serving humanity. The proposed fee increases for the I-129 are unduly burdensome on U.S. religious worker sponsors. The Catholic Church includes hundreds of religious orders and congregations of men and women (religious brothers and sisters). These institutions dedicate their mission and being to live according to the teachings of the Gospel of Jesus Christ. In doing so, they seek to serve God and the community and help those in need. Most of their resources go to carrying out this mission. The extremely high fee increase for this petition would make it harder for religious organizations such as these to bring religious workers to the U.S. It would have a chilling effect on U.S. religious organizations and many would decide they can no longer afford to bring religious workers to the U.S., making it difficult for these organizations to carry out the work of the Church and its related ministries. Such a chilling effect is contrary to our nation's fundamental commitment to protecting religious exercise.

Adjustment of Status and Related Applications Should Remain Bundled and Affordable

USCIS proposes separate fees for concurrently filed Forms I-485, *Application to Register Permanent Residence or Adjust Status*, I-765, *Application for Employment Authorization*, and I-131, *Application for Travel Document*. Applicants filing Forms I-485, I-765, and I-131 on paper would see a 130% increase in initial filing costs, changing significantly from \$1,225 to \$2,820. An applicant who files the paper version of Forms I-485 and I-765, not including Form I-131, would still have to pay \$2,190 in fees, a 79% increase in initial filing costs. These increases would affect all applicants, regardless of age.

In addition to the steep increase, USCIS has also proposed to remove the lower \$750 filing fee for children under age 14 who concurrently file with a parent. Furthermore, if the proposed fee schedule were implemented as written, after the effective date, an applicant who is required to pay fees to adjust status would no longer qualify to renew interim benefits without a fee while their adjustment of status is pending. Instead, payment for any interim benefit renewal would be required unless the applicant qualifies for a fee waiver. Those seeking to renew employment authorization would pay an additional \$555 or \$650, depending on the method of filing. Similarly, those seeking to renew their travel authorizations would pay an additional \$630.

We oppose the agency's plan to separate the fees for these forms, which are typically filed concurrently, and oppose the significant fee increase, as they will price out low-income filers. We recommend that the agency maintain its current policy of allowing applicants to concurrently file their adjustment of status application with an initial request for ancillary interim benefits at no additional cost. Most applicants who file Form I-485 will also file Form I-765 to obtain employment authorization because it provides them access to employment while their adjustment application is being adjudicated. Obtaining an Employment Authorization Document (EAD) provides lawful employment and access to government-issued documents, such as a driver's license or state identification card and a Social Security Number, which are essential to accessing community services. Due to immigrant visa backlogs and increased USCIS processing times, adjustment applicants often face long waits before their lawful permanent resident status is granted. Applicants rely on employment authorization to continue to live and work in the United States while their application is pending.

Eligible applicants should not have to choose an order of prioritization to become permanent residents solely because of their low earnings. Some filers may elect to only apply for adjustment of status and not seek to obtain employment authorization because of the additional cost. These filers would face unemployment and will likely have to rely on charity for sustenance during this time, which could be several months. The inability to access employment authorization denies immigrants the dignity of work and increases their vulnerability to labor exploitation. These steep fee increases would pose a significant financial burden and would make adjustment of status unattainable for many low-income and working-class applicants who are immigrating through a U.S. citizen or lawful permanent resident relative or adjusting status through asylum or another humanitarian status. Increasing the overall cost of adjustment of status and ancillary interim benefits would delay and prevent many low-income individuals from becoming permanent residents and would undoubtedly destabilize family unity and public interest.

USCIS' Proposal to Limit Payment Types Would Disadvantage Low-Income Immigrants

USCIS proposes to make the method of fee payment changeable on a form-by-form basis through a designation in the form instructions or by individual notice. This would allow USCIS to prohibit the use of certain methods of payment, such as cashier's checks or money orders, for certain forms in favor of other methods of payment such as online payments. We believe that everyone should have fair access to the immigration system. However, this proposed limitation would create a barrier and cause hardship for low-income applicants and petitioners, as reliable internet access, U.S. bank accounts, and well-established credit scores are assets that may only be available to more wealthy immigrants. Noncitizens are also unable to open U.S. bank accounts before they are issued Social Security Numbers or Individual Taxpayer Identification Numbers due to requirements imposed by the USA Patriot Act, so limitations on payment types would also impose that barrier. While reloadable debit cards are an option for some, they are not readily available or accessible for many others. In addition to implementing an online payment option, we request that USCIS maintain its current policy by accepting cashier's checks and money orders as methods of payment for all applications, petitions, and requests.

The Family-Based Petition Process Should Remain Accessible

USCIS proposes a staggering 101% increase to the current fee for filing Form I-751, *Petition to Remove Conditions on Residence*, increasing the cost from \$595 to \$1,195. This proposed increase makes it even more difficult for low-income families to file in a timely manner. Late filing can have severe consequences, including the conditional resident's loss of lawful status and the risk of being placed into removal proceedings, and ultimately result in families being separated. Therefore, we oppose this fee increase.

Similarly, the agency proposes a 53% fee increase for paper filers of Form I-130, *Petition for Alien Relative*, and a 35% increase for petitioners who file online. This fee hike would price out low-income petitioners. Petitioners would be unfairly required to choose among qualifying relatives to determine which one is more deserving of sponsorship. Such an outcome is contrary to promoting family unity, which is the goal of the U.S. family-based immigration process.

The Form I-601A Provisional Waiver Should Remain Accessible

The creation of the Form I-601A provisional waiver was intended to encourage eligible individuals to complete the immigrant visa process abroad, promote family unity, and improve administrative efficiency. Having an approved provisional waiver helps facilitate immigrant visa issuance at the Department of State (DOS), streamlines both the waiver and the immigrant visa processes, and reduces the time that applicants are separated from their U.S. citizen or lawful permanent resident family members, thus promoting family unity. Under the proposed fee schedule, the filing fee for Form I-601A, *Application for Provisional Unlawful Presence Waiver*, would increase 75% from the current cost of \$630 to \$1,105. This steep increase would discourage and delay individuals from consular processing and undermine the purpose of the provisional waiver.

Serious Concerns Regarding Online Filing Inefficiencies and Online Filing Fees

We oppose USCIS' proposed creation of higher fees for certain forms filed on paper versus online. The creation of higher paper filing fees disadvantages applicants who lack the means or access to file forms and supporting documents online, the same applicants who are generally least able to afford a higher fee. Notably, individuals without internet or computer access, and those lacking sufficient literacy to complete an online process accurately and effectively, will be penalized for any inability to file online.

Additionally, USCIS has proposed an expansion of the online filing of additional forms. We appreciate this attempt to modernize the processing of immigration benefits and increase efficiency, though we urge USCIS to make its online filing system more user-friendly and redesign it in a way that overcomes serious technical issues and glitches currently affecting it. Practitioners filing forms online have reported difficulties with erroneous rejections, lost documents, problems with data entry on forms, and more, causing unnecessary delays in the filing of cases, as well as case processing. Without adequate improvements to the current online filing system, practitioners, applicants, and petitioners may continue to avoid the use of online filing, leading to increased inefficiency and defeating the purpose of key elements of the proposed fee schedule.

Form N-400 Application for Naturalization Should Be Affordable

USCIS is proposing a 5% increase in the cost of Form N-400. We recognize and appreciate that this proposed fee increase is modest compared to others in this fee schedule and that the \$760 fee for the N-400 would include the biometrics fee. However, this increase would still impact many applicants who already face difficulty in affording the current application fee but do not qualify for a full or partial fee waiver. For lawful permanent residents who hope to naturalize, facing the hurdle of being unable to afford the application fee can be a major deterrence. The work that Catholic organizations do reflects the strong and abiding commitment of the Catholic Church to keep naturalization accessible and affordable. USCIS should eliminate any increase to the naturalization fee to avoid creating additional burdens that may prevent eligible immigrants from achieving U.S. citizenship.

Policies Accompanying Form I-912 Request for Fee Waiver Should Be Adjusted

USCIS is proposing that the filing of Form I-912 become mandatory for those seeking a fee waiver, rather than allowing applicants to continue to make that request either via the official USCIS form or via a written request, a change that USCIS admits would be an additional burden for applicants. While we strongly encourage and promote the use of Form I-912, we appreciate the flexibility offered by the current regulation, which permits any written request. If an individual can successfully demonstrate the need for the fee waiver via a written request, USCIS should continue to accept it. Requiring the use of Form I-912 means less flexibility for applicants with special circumstances. By the same token, we encourage USCIS to permit the online filing of the fee waiver application as an option, to allow more flexibility for applicants who are capable of filing online. We ask that USCIS continue to permit written requests for fee waivers.

Notably, low-income naturalization applicants who currently require a fee waiver are barred from applying for naturalization online since Form I-912 cannot be filed online. For some applicants, the availability of an online application is more beneficial for their circumstances. As a matter of equity, both online and paper filing should be available to all, regardless of their earnings. Without an option for online filing of Form I-912, paper filings of Form N-400 would continue to hinder the agency's efforts to make its processing more efficient.

Conclusion

Catholic social teaching emphasizes the importance of the call to participate in community and defend the inherent dignity of every person, regardless of socioeconomic status. Furthermore, the Gospel tells us when we welcome the stranger, we welcome Christ. Therefore, we remain committed to carrying out the Gospel mandate of welcoming the stranger and serving people in need. As we carry out this work, we look forward to continued collaboration with USCIS.

Thank you for the opportunity to submit comments on these proposed changes. We appreciate your consideration. Please do not hesitate to contact us, should you have any questions about our comments or require further information.

Respectfully submitted,



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