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Comments on U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements (DHS Docket No. USCIS-2019-0010; CIS No. 2627-18; Document Number: 2019-24366)

The East Coast Asian American Student Union (ECAASU) submits the following public comment in deep opposition to the Federal Register Notice published on November 14, 2019 that will increase immigration and naturalization benefit request fees (DHS Docket No. USCIS-2019-0010; CIS No. 2627-18; Document Number: 2019-24366).

The proposed fee hikes would present unnecessary hardship for migrants seeking a better life in the United States, and would leave low-income and asylum-seekers particularly vulnerable. In addition, the fee increase will be used to fund US Immigration and Customs Enforcement (ICE), which would significantly increase policing, enforcement, and punishment of migrants. ICE continues to harm communities through severe human rights violations within detention centers and at the border, and using immigration application fees to fund these activities is immoral.

   a. The proposed rule will especially harm low-income migrants.

This proposed fee increase is wide-ranging and affects all migrants, but it especially harms low-income migrants. The rule would lower the threshold for fee waiver eligibility and deny fee waivers to migrants who are subject to the public charge inadmissibility grounds, who often most need the waiver.

USCIS rationalizes that these increases are incremental and, on average, constitute only a 21% cost hike. However, many migrants apply for multiple different immigration benefits across their lifetimes, and the proposed fee increases for each benefit request have a compounded financial impact on individuals. For example, migrants arrive to the US through various means such as worker visas or applying for asylum, and can later apply for permanent residency, which can later lead to applying for US citizenship, all of which require their own separate fees. Furthermore, migrants will be forced to pay for the required biometric services for each application, instead of a flat $85 fee.

b. The proposed rule will provide a significant financial burden on asylum-seekers.

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The proposed rule will impose unprecedented fees on asylum-seekers, many of whom are already in precarious financial and physical situations. Asylum status allows those suffering from persecution or fear of persecution to remain in the United States and work. Fee schedules should be set at a level that will allow for services to be provided without charge to asylum applicants, as per INA section 286(m), 8 U.S.C. 1356(m).

c. The fee increase will be used to increase policing, enforcement, and punishment of migrants.

ECAASU condemns USCIS's proposal to transfer $207.6 million to fund Immigration and Customs Enforcement (ICE) activities, which has been responsible for the separation of families and the murder of children as young as 18 months in its detention centers. USCIS claims that adjustments to the fee schedule are necessary to recover the full operating costs associated with administering the nation's immigration benefits system, and efficiently and fairly adjudicating immigration benefit requests. However, being allowed to remain in a country should not be a revenue-generating enterprise for the United States government. A lack of funding is no excuse for the countless human rights violations committed by ICE officials, and migrants should never be the ones paying for the detention of their community members and even for their own denaturalization or deportation.

This proposal reflects the Trump Administration's anti-immigrant rhetoric and their broader goal of keeping Black and brown migrants out of this country. Alongside the public charge rule change, the Migrant Protection Protocols, and ever-lowering limits on refugee acceptances, the US is refusing to take responsibility for the harm done by its intervention in other countries, let alone taking the leadership role it purports when it ahistorically calls itself a “nation of immigrants.” At a time when we should be increasing our support for the most vulnerable of migrant populations, the US is choosing to attack immigrant rights instead.

The proposed changes to the benefit fee schedule creates an additional financial burden for immigrant communities and vulnerable individuals that may otherwise be unable to afford the new application fees. We strongly urge USCIS to reconsider the proposed rule.

Sincerely,

East Coast Asian American Student Union (ECAASU)

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Run solely by volunteers, The East Coast Asian American Student Union (ECAASU) is a 501(c)(3) nonprofit whose mission is to inspire, educate, and empower those interested in Asian American and Pacific Islander (AAPI) issues.