



# E.O. 12866 Meeting USCIS Fee Schedule: OMB Control Number 1615-AC18

Presented by  
Jenesse Center, Inc.  
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# Jenesse Center, Inc. (“Jenesse Center”)

- Founded in 1980, Jenesse Center's mission is to restore, and provide trauma-informed, culturally responsive, holistic, comprehensive services to individuals and families impacted by domestic and intimate partner violence
- Our services are comprised of emergency shelter, transitional housing, direct services – including legal services, and outreach and prevention strategies
- Furthermore, Jenesse Center provides comprehensive immigration legal services to survivors of domestic violence



# Overview

- (1) The proposed rule fee increases and fee waiver changes will be detrimental to survivors of domestic violence
- (2) Specific fee changes that will severely and negatively impact our clients
- (3) Specific fee waiver changes that will be detrimental to our clients



The proposed rule fee increases and  
fee waiver changes will be detrimental  
to survivors of domestic violence



# General Issues

- USCIS has failed to show how these proposed fee increases and fee waiver reductions will help to eliminate the growing backlog on most humanitarian forms of relief. At this moment:
  - VAWA self-petition processing times are between **18.5-24 months**
  - T Visa processing times are between **20-28 months**
  - U Visa processing times are between **56-56.5 months** to be placed on the waitlist
- The processing time for the I-918 has grown from 11.4 months in 2015 to 42.5 in 2019 and is now 56-56.5 months in 2020



# Why our clients need accessible fees

- Survivors must overcome years to decades of abuse that has impacted all aspects of their lives
- Abusers often continue to harass and abuse our clients, which places our clients at risk for re-traumatization and continued harm
- It can take a survivor years to overcome this past and ongoing trauma and arrive at a place where they can find financial stability



# Why our clients need accessible fee waivers

- Many of our clients earn as little as \$300-\$1,000 a month
- Many survivors do not have the capacity to pay for immigration related expenses
- Often, survivors do not have documentation like W2s and taxes
- It is necessary that USCIS maintain its policy of documentary flexibility



Specific fee changes that will severely  
and negatively impact our clients





# Domestic Violence Survivors make up the majority U Visa applicants

- The qualifying crime and basis of U Visa applications:
  - 45.9% - Domestic violence
  - 30.4% - Rape, sexual assault, incest, and trafficking
- Therefore, 75% of U Visa applicants were victims of domestic violence, sexual assault, or trafficking



# The proposed fee changes will harshly impact survivors of violence

- Every year, in the United States there are over 12 million incidents of domestic violence
- In 2016, only 52.2% of domestic violence crimes were reported to police, leaving almost half of victims without law enforcement intervention
- 4,000 victims of domestic violence are killed at the hands of their abusers each year



## Specifically, these proposed changes will impact survivors of gender-based violence

- According to the United States Department of Justice, 95% of assaults on spouses or ex-spouses are committed by men against women
- From 2003 to 2012, domestic violence accounted for 21% of all violence victimization
- Furthermore, intimate partner violence accounted for a greater percentage of all violence victimizations, compared to violence committed by immediate family members and other relatives
- Current or former intimate partners committed the most domestic violence between 2003 and 2012



# Specific fee increases that are detrimental to survivors

## U Visa Specific

- *Form I-192, Application for Advance Permission to Enter as Nonimmigrant*
  - Currently **\$930.00**
  - Proposed increase to **\$1,415.00**
  - **52%** increase
- *Form I-929, Applications for Qualified Family Members of U-1 Nonimmigrant*
  - Currently **\$230.00**
  - Proposed increase **\$1,515.00**
  - **559%** increase

## Survivor's Applications

- *Adjustment of Status*
  - Currently **\$1,225.00** for most applicants – includes cost of other forms (I-765, I-131, I-485)
  - Proposed rule unbundles these filings – making total cost **\$2,195.00**
  - **79%** increase
- *Naturalization*
  - Currently **\$640.00**
  - Proposed increase **\$1,170.00**
  - **83%** increase



# All of these fee increases directly impact survivors of violence

- The immigration fee schedule and fee waiver must recognize that survivors of domestic violence and intimate partner violence have significant barriers to rebuilding their lives due to the past and on-going trauma
- The proposed fee increases for benefit applications does not take into account the realities of what it means to be a survivor of domestic violence or trauma
- The proposed changes are against Congressional intent and will systematically prohibit survivors of trauma from seeking immigration relief



Specific fee waiver changes that  
will be detrimental to our clients



# The change to 125% FPG will exclude most survivors of domestic violence


- Currently can apply for fee waiver based on means-tested benefits, income below the 150% FPG, and financial hardship
- Proposed changes will diminish access to fee waived – limited ONLY to those who can prove they are at or below the 125% FPG
- The 125% FPG for a household of 1 is \$**15,950** or **\$1,329** per month
- The 125% standard is drastically lower than most local, state, and federal means-tested benefits requirements



# This change will exclude survivors without access to certain documents

- A significant majority of survivors of domestic violence are living under the 125% FPG but cannot provide evidence like W2s, paychecks, or tax returns
- Under the proposed regulations, these survivors may face fee waiver denials due to the heightened evidentiary standards imposed on fee waivers
- Most if not all Jenesse Center immigration clients qualify for the fee waiver





## Survivors living at or below the 125% FPG make \$1,329 or less a month

- Therefore, for the countless survivors unable to meet the heightened evidentiary standards, will pay more than their monthly income by
  - **\$86.00** for U Visa applicants needing Form I-192
  - **\$159.00** for naturalization applications
  - **\$866.00** for adjustment of status applications
- One client, who had 8 children abroad suffering in a violent household would have to pay **\$12,120** – which leaves the client, who is living under the 125% FPG with **\$3,830** to live off of for an entire year – which is virtually impossible



## This heightened standard will systematically exclude first time applicants without work authorization

- For example, many U Visa applicants do not presently have work authorization while they are applying for immigration benefits and seeking to obtain lawful status
- Therefore, they do not have documentation like W2s, pay stubs, or tax returns



# Fee waivers must continue to include documentary flexibility

- The standard of fee waivers should remain as it presently stands, including documentary flexibility such as “any other documentation or evidence” and “fee waivers may be approved in absence of additional documentation if request is sufficiently detailed to substantiate an inability to pay”
- For those applicants that fall into this situation, it is necessary to have the “financial hardship” option for the fee waiver as under the current regulations



# Survivors need fair and adequate access to fee waivers

- The proposed fee waiver changes are in direct contrast with Congressional intent – as the U, T, and VAWA applications are all free in recognition that applicants under these programs are generally deserving of a fee waiver (USCIS 2007 fee rule)
- The ancillary forms to these forms of relief (like the I-192) should not be the barrier for a survivor apply for immigration relief



# Client stories

- **Client 1:** She is a survivor of egregious domestic violence who applied for the U Visa a few years ago. Her initial fee waiver application was denied erroneously, despite providing adequate proof of means-tested benefits. It was only when she re-applied for the fee waiver on all 3 grounds that her fee waiver was granted.
- **Client 2:** She is a survivor of severe domestic violence at the hands of her ex-partner. She courageously reported the criminal activity over 5 times and exemplifies the heart of Congressional intent in creating the U Visa. Due to the lasting trauma, on going harassment and abuse from her ex-partner, and COVID-19, this client meets all 3 bases for the fee waiver. She is still waiting for her fee waiver to be adjudicated.
- **These proposed changes will harm domestic violence survivors.**



# In conclusion

- Jenesse Center strongly opposes this proposed rule to increase fees for benefits applications and to alter the current bases and regulations for a fee waiver
- This proposed rule will be determinantal to survivors of domestic violence and intimate partner violence – and would place survivors at risk of returning to their abusers due to lack of viable and affordable immigration options, homelessness, inadequate nutrition and basic necessities, and re-triggering of the trauma and abuse
- In order for survivors of domestic violence to continue to have accessible immigration relief – the required fees for benefit applications and the fee waivers for those applications must remain affordable and accessible