

Comment Matrix

I-912 Comments Matrix

#	Category	Comment by (Link)	Comment	Response
1	Form. General Form, Part 7, Item #3	Magnolia Zarraga	<p>The form is overly complicated but especially when it uses two different terms to describe the same thing.</p> <p>The form first (Part 2) describes the primary applicant as a requestor and then asks the requestor to list family members included in the fee waiver (Part 4 item 2). Then the form (Part 9) asks for Additional requestor signature certification etc, and each box in part 9 seems to want info for the family members but calls them requestors....this is too complicated just call them family members instead.</p> <p>Are you really going to want all applicants to submit copies of all their monthly expenses? (Part 7 item 3)</p> <p>Having an officer sort thru mounds of monthly bills seems overly burdensome, why not just request bills if pertinent to a claimed medical or other financial hardship. The applicants are already listing their monthly expenses and then signing under penalty of perjury. The vast majority of the population has liabilities and monthly expenses and if they don't why are they filling out a fee waiver request. We all have bills of some sort, but it should only factor into a decision for a fee waiver if we are claiming our bills are extraordinary in some way.</p>	<p>USCIS will adopt this recommendation and modify the language in the pertinent section. The word “requestor” is part of the standard language for certifications and signature. Words are added to each section to clarify. Much of the revised Form I-912 increased length can be attributed to new standard language and added white space to improve the flow and readability of the form.</p> <p>Applicants are not required to provide all monthly expenses if qualifying under the means tested benefit or under 150% of income guidance. As with the previous form, monthly expenses are reviewed when the basis for eligibility is financial hardship, there is no change to the policy or review by officers.</p>
2	General	Jean Public	I oppose giving fee exemptions. those who don't pay mean those who do pay, even at great cost, are charged more. it is necessary that those who are lawbreaking sneaking illegal immigrants should NEVER be given any right	No change is required based on this comment.

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			<p>to file any exemption from costs what should happen to them is that they be deported asap. its time to stop the overwhelming attack on americans wallets by thse sneaks sneaking in unlawfully. we have laws on the books on how to come to America. we expect our laws to be honored and respected. most americans do so. why are we allowing sneaks from other countries to avoid and disrespect our laws because of a rogue president, whose thinking is weird.</p>	
3	Form Part 1	Lynne Weintraub	<p>The current version of the form, helpfully, tells applicants which section they need to fill out based on which of the three qualifications for a waiver applies to them:</p> <p>---Line 7.a. <input type="checkbox"/> I am or a relevant member of my household is currently receiving a means-tested benefit. (Complete Sections 4 and 7.)</p> <p>---Line 7.b. <input type="checkbox"/> My household income is at or below 150% of the Federal Poverty Guidelines. (Complete Sections 5 and 7.)</p> <p>---Line 7.c. <input type="checkbox"/> I have a financial hardship. (Complete Sections 5, 6, and 7.)</p> <p>The proposed new form eliminates this helpful information and makes it unclear which sections the applicants must fill out. For example, if the applicant receives a means-tested benefit, they will likely end up filling out parts 4, 5, and 6 (and providing all of the accompanying documentation) when in fact they only need to complete part 4 and send a copy of a benefits letter.</p> <p>In part 1, the proposed form instructs applicants to "select all applicable boxes." Unless this is clarified, all applicants will select box C because if an applicant receives a means-tested benefit (A), and/or has income below the poverty guidelines (B), by definition, the applicant has a financial hardship. The form should ask applicants to choose only ONE basis for eligibility,</p>	<p>USCIS will adopt this recommendation and modify the language in the pertinent section.</p>

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			and fill out ONE section (either 4, 5, or 6) that relates to it. It should be made clear that the applicant only has to send documents related to that ONE basis for eligibility.	
4	<p>Instru ctions , Page 3</p> <p>Form Part 6 and Instru ctions</p> <p>Part 3m Item #1, #2 ; Instru</p>	<p>Kristen Jackson, Public Counsel</p>	<p>Full Comment Link SIJ related comments</p> <p>Summary of Comments/Edits: Add approved, pending or concurrently filed SIJ-based I-360, to clarify SIJ don't need approved I-360 to qualify for fee waiver</p> <p>Clarify that SIJ do not need to list foster home or group home income to household size or income</p> <p>Clarify that if the applicant has a status but not I-551 or I-94, should leave status blank</p>	<p>USCIS will adopt this recommendation and modify the language in the pertinent section accordingly.</p>

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	ctions Page 3			
5	General, not specific to form	Karen Jackson	My family lives below the poverty level and I am a naturalized citizen. I have been evicted in a domestic violence relationship and I am working to get myself off public assistance but in the meantime I cannot afford to replace my naturalization papers especially being attacked by Homeland security for not having it so I can get health insurance. I and my family will benefit from the fee waiver because I can prove who I am now.	Fee waivers are available for Form N-600 to request replacement naturalization documents. No change to Form I-912 is required based on this comment.
6	General	Claudio Alpaca	There are no to add or modify for the document has examined and documented all possible situations and cases and all are well disciplined and regulated. the matter is vast and complex but, on my opinion, all has been object of accurate normative claudio alpaca	No change is required based on this comment.

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7	General	Brian Holovach	I-912 and any fee should be waived for active duty military and veteran's that are honorably discharged from the service.	<p>No change is required based on this comment.</p> <p>This would require a regulatory and policy change that exceeds what can be made via a form change. USCIS already exempts the military members from the fee for Forms N-336, N-400, and N-600.</p>
8	General	Rosalinda Fernandez	<p>First, I suggest reducing the number of pages on the instruction form. The penalties in the instruction form need to be included on the I-912 form at the end where the applicant signs the form.</p> <p>On the I-912 form, instead of instructing the applicant to write in the form number in the List Forms box, add a listing of the applicable form numbers and instruct applicant to circle the form number.</p>	<p>The number of pages on the instructions have been minimized as much as possible. USCIS has added the standard language in the requestor and interpreter certification sections which account for much of the increased length. The space added also increases readability.</p> <p>The current instructions list forms for which waivers are available and that list was removed in the revised version to decrease the number of pages. Listing the</p>

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				forms would require a form revision should USCIS decide to add or remove a form from fee waiver eligibility. Therefore, Form Numbers are being moved from the I-912 to the webpage.
9	General	Lyn Cator	<p>I do not agree there should be Fee Exemptions and Waivers for those who have already managed to get into the country ILLEGALLY and benefit from our taxes. Here is my reason as a LEGAL</p> <p>My husband and I were LEGAL residents for over 8 years and prior to that, we had to wait an additional 11 years to actually get our application processed to get into the USA, since 1996. It cost us over \$2000 each for the initial green card and we had to go through all the medicals/criminal background checks/costs, etc. and we finally arrived in the USA in 2007. We have since become American Citizens at another cost of \$685 each and we are happy to be here. Are we going to get our costs reimbursed, even though we did everything legally - I don't suppose so for one minute? So, now you are proposing that all taxes payers are going to have to pay for all those who can't be bothered to go through the long process we did, to become American Citizens legally.</p> <p>I do not believe anyone should just be given a way into any country without all the proper checks, etc. and if there are fees associated with the process, then each person should be charged as my husband and I have been. We have worked continually all the time we have been here, contributed to the economy by paying our taxes, buying our home, etc and become part of the American society.</p>	No change is required based on this comment.

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			<p>Illegals are burden on tax payers, if they want to become legal, they should go through the correct channels and pay for the privilege of being in a country that would welcome them legally.</p>	
10	Form Part 1	Barbara O'Brien, ILS Immigration Legal Services	<p>Dear USCIS Officer:</p> <p>I am an immigration attorney with IRIS-Integrated Refugee & Immigrant Services. I represent refugees who have been invited by the U.S. Government to resettle in Connecticut. Most of my clients are low-income and receive mean-tested benefits.</p> <p>I urge USCIS not to change the language on the I-912 as suggested, requiring applicants to include information about all potential grounds of eligibility for a fee waiver. I urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver.</p> <p>By definition, those applying for fee waivers are poor. They are thus more likely to be unrepresented or represented by non-profits with limited resources. Requiring the most vulnerable non-citizens to submit additional paperwork about their income level and/or their financial hardship poses an undue burden on them, making it more difficult for them to complete the fee waiver and to file for important benefits such as naturalization, green card renewals, and asylee adjustment. It puts an undue burden on non-profit legal service providers which will have to gather superfluous documentation about income and hardship. And it will result in the unnecessary submission of paperwork to adjudicators who only need to see proof of the means-tested benefit. Please do not change this section of the</p>	<p>USCIS will adopt this recommendation and modify the language in the pertinent section.</p>

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			<p>form.</p> <p>Thank you for your time and attention.</p>	
11	Form Part 1	Deborah Lee, Esq. Sanctuary for Families	<p>Good afternoon:</p> <p>I am an immigration attorney with Sanctuary for Families. I urge USCIS not to change the language on the I-912 as suggested, requiring applicants to include information about all potential grounds of eligibility for a fee waiver. I urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver.</p> <p>By definition, those applying for fee waivers are poor. They are thus more likely to be unrepresented or represented by non-profits with limited resources. Requiring the most vulnerable non-citizens to submit additional paperwork about their income level and/or their financial hardship poses an undue burden on them, making it more difficult for them to complete the fee waiver and to file for important benefits such as naturalization, green card renewals, and asylee adjustment. It puts an undue burden on non-profit legal service providers which will have to gather superfluous documentation about income and hardship. And it will result in the unnecessary submission of paperwork to adjudicators who only need to see proof of the means-tested benefit. Please do not change this section of the form.</p>	<p>USCIS will adopt this recommendation and modify the language in the pertinent section.</p>
12	Form Part 1	Claire Valentin, Children's	<p>I am an immigration attorney with Children's Law Center of Massachusetts. I represent immigrant children in desperate need of relief and stability in their lives. I urge USCIS not to change the language on the I-912 as</p>	<p>USCIS will adopt this recommendation and modify the language in the pertinent section.</p>

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		Law Center of Massachusetts	<p>suggested, requiring applicants to include information about all potential grounds of eligibility for a fee waiver. I urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver.</p> <p>By definition, those applying for fee waivers are poor. The children I work with are in crisis and gathering documentation is extremely difficult for the children and their families. Requiring the most vulnerable non-citizens to submit additional paperwork about their income level and/or their financial hardship poses an undue burden on them, making it more difficult for them to complete the fee waiver and to file for important benefits such as naturalization, green card renewals, and asylee adjustment. It puts an undue burden on non-profit legal service providers which will have to gather superfluous documentation about income and hardship. And it will result in the unnecessary submission of paperwork to adjudicators who only need to see proof of the means-tested benefit.</p> <p>Please do not change this section of the form.</p>	
13	Form, Part 1	Mary Dutcher Apoyo Legal Migrante Asociado (ALMA)	<p>I am an immigration attorney with a nonprofit agency, Apoyo Legal Migrante Asociado (ALMA). I urge USCIS not to change the language on the I-912 as suggested, requiring applicants to include information about all potential grounds of eligibility for a fee waiver. I urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver.</p> <p>By definition, those applying for fee waivers are poor. They are thus more likely to be unrepresented or represented by non-profits with limited resources. Requiring the most vulnerable non-citizens to submit additional</p>	<p>USCIS will adopt this recommendation and modify the language in the pertinent section.</p>

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			<p>paperwork about their income level and/or their financial hardship poses an undue burden on them, making it more difficult for them to complete the fee waiver and to file for important benefits such as naturalization, green card renewals, and asylee adjustment. It puts an undue burden on non-profit legal service providers which will have to gather superfluous documentation about income and hardship. And it will result in the unnecessary submission of paperwork to adjudicators who only need to see proof of the means-tested benefit. Please do not change this section of the form.</p>	
14	General	Anonymo us	<p>Fee wavers should be approved. USCIS already collects a substantial amount of money from families that are attempting to visit and/or immigrate to the United States</p>	<p>No change is made based on this comment.</p>
15	General	David Khoperia	<p>Although I-912 form and its instructions cover many different scenarios where fee waiver would be justified, there is at least one case that has not been considered, it would, however, undoubtedly qualify for the fee waiver. Consider naturalized U.S. citizen(s) in financial hardship, one who is receiving a means tested benefit, who's child(ren) would only confer citizenship by derivation through naturalization of parent, based on Child Citizenship Act, upon parent filing I-130 and consequent adjudication of I-485. Since upon adjustment of status this child(ren) would confer citizenship there would be no requirement to prove likelihood of becoming a public charge. Furthermore, under the circumstances affidavit of support is not required. Upon adjudication of his/her I-485 this child(ren) would become a naturalized U.S. citizen.</p> <p>I would suggest adding to the I-912 instructions, under item 5, Form I-485, Application to Register Permanent Residence or Adjust Status, under section "Which Applications and Petitions Will USCIS Consider for a Fee Waiver," the section that would describe such applicants.</p> <p>There might not be that many, I hope</p>	<p>Regulations govern which Form I-485 filers may qualify for a fee waiver. No change is made based on this comment. Fee waivers are permitted by 8 CFR 103.7(c) only for certain Form I-485s.</p>

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16	General	Jeanette Sayno	I recommend that fee waiver must be retained especially to low income earners and there must also be a partial fee waiver for those earners whose income has a small margin in the poverty guidelines. Please included MEDICAL in the means-tested for fee waiver.	No change is made based on this comment. Partial fee waivers (discounts) require a change in policy that exceed a form revision. Fee waivers are already available for requests when income is reduced by major medical expenses.
17	Form, Part 1	Benjamin Schatz, Catholic Charities, Archdiocese of San Antonio, Inc	<p>The new version of the form asks the applicant to complete all of the relevant sections of the form, even for those who receive means-tested benefits. A person who receives a means-tested benefit is below 150% of the poverty level. That is how the person qualifies for means-tested benefits. Furthermore, an applicant receiving means-tested benefits is extremely likely to have some kind of financial hardship.</p> <p>Catholic Charities, Archdiocese of San Antonio, strongly urges USCIS to not require individuals who receive means-tested benefits to complete the other two sections as well. Requiring that would be an unnecessary burden on both our clients and our resource-limited organization, and it would be of no value to USCIS.</p>	USCIS will adopt this recommendation and modify the language in the pertinent section.
18		Anonymus (B.G.)	<p>1) Allow the fee to be adjusted on a sliding scale based on income but there should be some "skin in the game" (if there is no investment, there is no incentive on the part of the applicant to meet the eligibility requirements</p>	No change is made based on this comment. USCIS is not changing fee waiver policies as part of this form revision.

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			<p>2) Allow only one fee waiver per individual per application. otherwise, you encourage multiple filings with no incentive on the part of the applicant to meet the eligibility requirements, adding to the workload and slowing down the process for those applicants who are eligible for the benefit requested.</p> <p>For example, fee waiver application denied due to inability to pass language or civics testing. Applicant immediately files new application with fee waiver request knowing they still do not qualify</p> <p>3) Do not base waiver on</p> <p>a) unverified tax returns i.e. multiple household members all claiming head of household status with nonqualifying dependents or</p> <p>b) eligibility of one family member for government benefits such as state subsidized medical assistance that is not need</p> <p>c) Prior to grant of fee waiver, have individual complete entire form including all income (wages or otherwise), expenses (with verification) as well as explanation for hardship. Oftentimes, nothing is submitted other than the benefit award letter</p> <p>Since USCIS is almost entirely fee-based, the individuals requesting benefits should have some investment</p>	<p>USCIS appreciates the comment but believes the current documentation and review requirements for the Form I-912 are sufficiently rigorous to determine inability to pay.</p>
19		Bernard Garcia	I would like if you review all the cases for waiver fee for all people because there is a lot people disable or retired and they don't have money to pay the	As suggested, fee waivers are based on the requestor's financial condition, and all

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		Iberoamericana Immigration Service	fees for renew them green card or to applied for US citizenship and they sent the application with the waiver and don't be accepted please I would like to let you know if can you take little bit the time to review all those applications. please	requests are reviewed. No change is required based on this comment.
20		Barbara Valdes Aventura Travel Services, Inc.	Current form has 5 pages, page 5 is for additional signatures of each person applying for a fee waiver, those lines are too much. Page 5 should be eliminated. Section 2 Additional Information for Dependents Line 6 and Section 4 Means-Tested Benefits Line 8 could be combined.	No change will be made based on this comment on the current form. All applicants requesting a fee waiver must sign the form, therefore, a signature line is provided based on the average number of persons who may file within the same package of requests. Multiple family members may request a fee waiver concurrent with applicant only when all family members are requesting a waiver on the same basis, e.g., means-tested benefits, 150% of federal poverty level.
21		Gerry Chapman	<p>I am the principal and owner of Chapman Law Firm, a private law firm in Greensboro, NC. For several years, this firm has handled a steady number of U visa cases for people who are often unable to afford filing fees that otherwise would be required in a U case. In the strongest possible terms, we urge USCIS NOT to change the language on the I-912 as the recent notice suggested, i.e., requiring applicants to include information about ALL potential grounds of eligibility for a fee waiver. USCIS should continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver.</p> <p>Applicants who seek fee waivers are poor and need to preserve their resources for daily critical needs such as food and medicine. Due to their</p>	The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and modify the language in the pertinent section to clarify this requirement.

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			<p>financial circumstances, they are very likely to be unrepresented or represented by non-profits with very limited resources. When represented by private counsel, the cost of representation to the applicant increases if more time is required to prepare and file various parts of the case. It is clear that the proposed change will require additional time and therefore it will increase the costs to all applicants and their legal service providers, private or non-profit where a fee waiver is submitted. Requiring the most vulnerable non-citizens to submit additional paperwork about their income level and/or their financial hardship poses an undue burden on them, making it more difficult for them to complete the fee waiver and to file for important benefits such as naturalization, green card renewals, U/T visa applications, and asylee adjustment. This kind of change will place an undue burden on applicants and legal service providers which will have to gather superfluous documentation about income and hardship, when proof of a means-tested benefit is already available and has been more than sufficient for deciding if a waiver is appropriate. The proposed change will also result in the unnecessary submission of paperwork to adjudicators who only need to see proof of the means-tested benefit to approve the fee waiver request. Submission of unnecessary materials of such paperwork will only slow the adjudication process for applicants who are poor and urgently need the adjudication of their applications, which in many humanitarian cases (U visa, for example) will lead to work authorization.</p> <p>We urge you not to change this section of the form. Proof of a means-tested benefit alone is sufficient for adjudicators to waive the applicable fees. Please do not place another burden and layer of complexity on this very vulnerable population. The intent of Congress when it authorized the U visa was to facilitate the filing of U visa cases, not to make them harder to prepare and process.</p>	

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			Thank you for your consideration of these remarks.	
22	Form, Part 1	Aaron Morris Immigration Equality	<p>I am the legal director of Immigration Equality, a national non-profit organization offering free legal services to indigent immigrants. I urge USCIS not to change the language on the I-912 as suggested, requiring applicants to include information about all potential grounds of eligibility for a fee waiver. I urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver.</p> <p>By definition, those applying for fee waivers are poor. They are thus more likely to be unrepresented or represented by non-profits with limited resources. Requiring the most vulnerable non-citizens to submit additional paperwork about their income level and/or their financial hardship poses an undue burden on them, making it more difficult for them to complete the fee waiver and to file for important benefits such as naturalization, green card renewals, and asylee adjustment. It puts an undue burden on pro se litigants and non-profit legal service providers which will have to gather superfluous documentation about income and hardship. And it will result in the unnecessary submission of paperwork to adjudicators who only need to see proof of the means-tested benefit. Please do not change this section of the form.</p>	The revised instructions do not require the entire form to be completed. We will adopt this recommendation by clarifying the instruction language.
23	Instructions, Household Income	Hayley Upshaw, Legal Services for Children	<p>Summary:</p> <ul style="list-style-type: none"> • Separate process for SIJ applicants • Clarification of household for SIJ 	USCIS will adopt this recommendation and add language in the instructions as suggested.

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24	Form, Part 1	Ryan Muennich	<p>I am private immigration attorney who has submitted I-912 fee waivers on behalf of clients. USCIS should not require applicants to fill out all three methods of proving income. If the agency is satisfied that the applicant's income is below 150% poverty guidelines or receives a means-tested benefit, no additional information is gained by forcing the applicant to provide a detailed accounting of income, expenditures, and hardship</p> <p>While a privately retained attorney may be able to guide an applicant through this process, non-citizens applying on their own or through non-profit organizations will find completing all sections extremely onerous.</p> <p>I urge USCIS to continue allowing applicants to establish eligibility for fee waivers based on any of the three grounds alone.</p>	<p>The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and correct the language in the pertinent section to be more clear.</p>
25	Form, Part 1	Maria Romani Quispe, Make the Road New York	<p>I am an immigration attorney with Make the Road New York, a non-profit community organization. I urge USCIS not to change the language on the I-912 as suggested, requiring applicants to include information about all potential grounds of eligibility for a fee waiver. I urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver.</p> <p>By definition, those applying for fee waivers are people with low income. They are thus more likely to be unrepresented or represented by non-profits with limited resources. Requiring the most vulnerable non-citizens to submit additional paperwork about their income level and/or their financial hardship poses an undue burden on them, making it more difficult for them to complete the fee waiver and to file for important benefits such as naturalization, green card renewals, and asylee adjustment. It puts an undue burden on non-profit legal service providers which will have to gather superfluous documentation about income and hardship. And it will result in</p>	<p>The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and modify the language in the pertinent section.</p>

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			the unnecessary submission of paperwork to adjudicators who only need to see proof of the means-tested benefit. Please do not change this section of the form.	

FOUO-Pre-Decisional DRAFT

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26	Multiple sections	Victoria Neilson, Immigrant Justice Corps	<p>Part 1, Question 1: IJC strongly objects to the changes which require an applicant to include all bases for a fee waiver; the current form asks the applicant to include information on any basis for the fee waiver.</p> <p>Part 3, Questions 1-4: It is confusing to have one box for “Unemployed” and another for “Not employed.” Presumably the former is meant to be for those currently seeking employment and the latter for those who are not, but if that is the intent, the difference should be clearly spelled out. Moreover, the applicant is instructed to only check one box although it is possible that someone could be a “full-time student” and be employed part-time, or could be retired (receiving retirement benefits) and employed part-time. We recommend that the instruction to only check one box be eliminated.</p> <p>Part 4, Questions 1 and 2: We do not see any benefit in having separate tables for the primary applicant and derivatives. Instead, we suggest a table which consolidates the information from Part 4, Question 1, and incorporates additional relevant information to the table proposed in Part 4, Question 2. The purpose of this suggestion is to clearly lay out the applicants, forms, and bases for request for each individual included in the Form I-912. Additionally, the proposed table prioritizes clarity and versatility by accommodating a wide range of possibilities for a family that is filing a Form I-912 on several different bases. Below is an example of what we believe would be a clearer table.</p> <p>Part 5, Table We suggest either eliminating the columns for “Date Benefit was Awarded” and “Date Benefit Expires” and simply include the check-box “Is the Benefit Being Received Now?”</p> <p>Part 6, Question 1 Part 6 is very confusing and we strongly suggest you rework this entire</p>	<p>Part 1: The changes were to permit information on any basis for a fee waiver not require an applicant to include all bases for a fee waiver. USCIS will adopt this recommendation and fix the language.</p> <p>Part 3: USCIS has edited the form so there is now one checkbox for “unemployed” and “not employed.”</p> <p>Part 4: USCIS combined the two tables into one and edited the instructions to incorporate this change.</p> <p>Part 5: USCIS deleted the column for check box (yes/no) is benefit being currently received. Added separate column for type of benefit.</p>

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				<p>Part 6 Question 1: No change will be made based on this comment. The instructions explain how to determine who is a head of household. USCIS reviews fee waivers and determines inability to pay based on the income of the entire household.</p>
			<p>Part 6, Question 2 In preparing the applicant to fill out the table that accompanies Question 2, the content of the questions makes reference to the applicant's tax returns. Part 6, Question 2, Table We suggest that the third column state explicitly "Does Person Earn Income Counted toward Household Income on Tax Returns"</p>	<p>Part 6 Question 2: No change will be made based on this comment. A person can earn income that is not listed on a tax return (for example they make too little to file a tax return).</p>

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			<p>Part 6, Question 3-6 To avoid these potential ambiguities the word “total” should be removed from Question 3, the caveat “Excluding Yourself” should be added to Question 4, and the clarification “not already included in Question 4 or Question 5” should be appended to Question 5. Furthermore, for question 5, it is unclear why only the additional income of the requester is asked for in light of the fact that the fee waiver determination hinges on a calculation of the household income.</p> <p>Part 6, Question 8 What type of information would be relevant in this “Additional Information” box that has not already been provided? Specific examples should be included to in the instructions to provide guidance to applicants.</p> <p>Part 7, Question 1 The Form I-912 Instructions should clarify that if multiple applicants are included in the fee waiver request, the narrative and statement should be a reflection of the experience and situation of all family members filing on the financial hardship basis.</p> <p>Instructions:</p> <p>1: We strongly urge USCIS to continue to include the list of forms with fees that may be waived. It is very helpful for applicants, especially those who are unrepresented, to understand which forms’ fees may be waived.</p> <p>2: We strongly suggest that USCIS should maintain its current process of first determining whether the applicant receives a means-tested benefit; if the answer is yes, there should be no need for the applicant to submit further evidence about income, assets, or hardship. Furthermore, the first</p>	<p>Part 6, Question 3-6: USCIS made edits to these questions clarifying which amounts should be included in the individual question.</p> <p>Part 6, Question 8: No change will be made based on this comment. This section is not required, and is just intended to give the requestor an opportunity to provide any further information that they believe may be helpful to the adjudication. Specific examples may confuse the issue further.</p> <p>Part 7, Question 1: USCIS added clarifying language to account for all relevant members.</p> <p>Instructions:</p> <p>1: Form Numbers are being removed from the I-912 to the webpage because which forms are eligible for a fee waiver may change.</p> <p>2: This process has not changed. USCIS made edits to clarify this.</p>

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27	Form, Part 1	Anna McLeod, Chapman Law Firm	<p>I am an immigration attorney with Chapman Law Firm, a private law firm in Greensboro, NC. I urge USCIS NOT to change the language on the I-912 as suggested, requiring applicants to include information about ALL potential grounds of eligibility for a fee waiver. I urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver.</p> <p>By definition, those applying for fee waivers are poor. They are thus more likely to be unrepresented or represented by non-profits with limited resources. When represented by private counsel, the cost of representation to the applicant increases when more time is required to prepare and file the case. It is clear that the proposed change will require additional time and therefore cost and burden to all applicants and their legal service providers, private or non-profit. Requiring the most vulnerable non-citizens to submit additional paperwork about their income level and/or their financial hardship poses an undue burden on them, making it more difficult for them to complete the fee waiver and to file for important benefits such as naturalization, green card renewals, U/T visa applications, and asylee adjustment. It puts an undue burden on applicants and legal service providers which will have to gather superfluous documentation about income and hardship, when proof of a means-tested benefit is already available and is sufficient. The proposed change will also result in the unnecessary submission of paperwork to adjudicators who only need to see proof of the means-tested benefit to approve the fee waiver request. Submission of unnecessary submission of such paperwork will only slow the adjudication process for applicants who are poor and urgently need the adjudication of his or her application, which in many humanitarian cases (U visa, for example) will lead to work authorization. Please do not change this section of the form. Proof of a means-tested benefit alone is sufficient for</p>	<p>The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and modify the language in the pertinent section.</p>

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			adjudicators to waive the applicable fees. Thank you	
28	Form, Part 1	Jennifer Kim, City Bar Justice Center	<p>I am a Program Director at the City Bar Justice Center in NY. I'm writing to urge USCIS not to change the language on the I-912 as suggested, requiring applicants to include information about all potential grounds of eligibility for a fee waiver. As a non-profit legal service provider who works with low income asylum seekers (and who also recruits and works with pro bono attorneys), this proposed requirement is unnecessary, a waste of resources, would require redundant adjudication, and prevent low-income immigrants from obtaining important benefits. I therefore urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver.</p> <p>By definition, individuals who apply for fee waivers are poor. They are thus more likely to be unrepresented or represented by non-profits (like the Justice Center) with limited resources. Requiring the most vulnerable non-citizens to submit additional paperwork about their income level and/or their financial hardship poses an undue burden on them, making it more difficult for them to complete the fee waiver and to file for important benefits such as naturalization, green card renewals, and asylee adjustment. It puts an undue burden on already overburdened non-profit legal service providers who will have to gather superfluous documentation about income and hardship. And it will result in the unnecessary submission of paperwork to adjudicators who only need to see proof of the means-tested benefit. Please do not change this section of the form.</p> <p>Thank you.</p>	USCIS will adopt this recommendation. The revised instructions do not require the entire form to be completed.
29	General Comment	Anonymus (I.O.)	It is irrelevant whether or not someone is already already obtaining a means tested benefit. Slumlords accept unlawful Section 8 payments, which is then used to obtain TANF and other goodies, which is then submitted with the I-	No changes made based on this comment. Fee waiver requests are adjudicated by USCIS officers in accordance with

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	ment		<p>912 to prove eligibility.</p> <p>Evidence of being on a means tested benefit should not be acceptable evidence because of the amount and nature of fraud that goes into obtaining means tested benefits. As previously noted by another, there are many people who are unlawfully filing as HOH and fail to disclose the number of people they live with, and the total income for the household unit.</p> <p>It is the people who need the Form I-912 (students living away from home, people who have been working for years but now find themselves out of work and discriminated against) who are the least likely to use the Form I-912 and are the ones who need it most.</p> <p>There should be an independent review of the Form I-912 by USCIS' and no deference should be given to other benefit granting agencies.</p> <p>It is the very people who continually (and often fraudulently) collect public benefits and who's 5-year limit is up that are abusing the Form I-912, in order that they might continue to collect public benefits.</p> <p>There should only be one bite at the free apple.</p>	<p>regulations and agency policy. USCIS will continue to rely on agencies with the relevant expertise in determining if a person is eligible for a means-tested benefit based on their income.</p>
30	Form, Part 1	David Lash	<p>It seems to me that the current method of qualification for a fee waiver is adequate to protect the interests of all parties. Increasing the burden on applicants seems a remedy to a problem that does not exist. Qualification for this needs-based benefit is working fine. If extra hurdles are required, the burden will fall on already-overwhelmed legal aid organizations and on the indigent, the two populations who cannot afford to deal with such a change. If there is an obvious reason to ask these populations to handle extra time and money consuming tasks, I do not see it. Instead I see a future</p>	<p>The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and modify the language in the pertinent section. USCIS will adopt this recommendation.</p>

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			where fewer people will be able to avail themselves of the aspects of our democracy that are most critical to them. This would be an unfortunate result.	
31	Form, Part 1	Jennifer Colyer, Fried, Frank, Harris, Shriver & Jacobson, LLP	<p>I am the Pro Bono Counsel in Fried Frank's New York office, and I am on the Board of Directors of the Association of Pro Bono Counsel. I represent hundreds of immigrants in that context, the great majority of whom are low-income and qualify for fee waivers where they are available.</p> <p>I urge USCIS not to change the language on the I-912 as suggested, requiring applicants to include information about ALL potential grounds of eligibility for a fee waiver. I urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver. Applicants who receive means-tested benefits have already provided strict proof of need to government agencies, and it is entirely reasonable for USCIS to rely on those processes to rest its own fee waiver decisions. Moreover, requiring applicants who already have means-tested benefits to provide voluminous documentation of income and expenses and hardship will further tax the resources of the extremely underfunded legal services organizations that represent these low income immigrants.</p> <p>I therefore urge USCIS to continue its policy of granting fee waivers to individuals who can adequately prove that they qualify for a means-tested government benefit.</p>	The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and modify the language in the pertinent section.
32	Form, Part 1	Andrea Panjwani, Immigrant Defense Project	I am the co-executive director of the Immigration Defense Project and the former supervising attorney of African Services Committee's immigration legal services program. I urge USCIS to forbear from changing the requirements of the I-912 by requiring applicants to include information about all potential grounds of eligibility for a fee waiver, rather than just	The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and modify the language in the pertinent section. USCIS will make the language clear on the I-912

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			<p>one of the three categories as is currently the policy. To impose this contemplated new requirement would be exceedingly burdensome to applicants and their representatives.</p> <p>By definition, those applying for fee waivers are poor. They are thus more likely to be unrepresented or represented by non-profits with limited resources. Requiring the most vulnerable non-citizens to submit additional paperwork about their income level and/or their financial hardship poses an undue burden on them, making it more difficult for them to complete the fee waiver and to file for important benefits such as naturalization, green card renewals, and asylee adjustment. It puts an undue burden on non-profit legal service providers which will have to gather superfluous documentation about income and hardship. And it will result in the unnecessary submission of paperwork to adjudicators who only need to see proof of the means-tested benefit. We urge USCIS to continue its longstanding policy of granting waivers to applicants who provide evidence that they receive a means-tested benefit.</p>	<p>to not require information about ALL potential grounds of eligibility for a fee waiver.</p> <p>USCIS fee waiver policies are designed to waive fees for those who have documented that they are unable to pay.</p> <p>The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and modify the language.</p>
33.	Form, Part 1	Lynn Neugebauer, Director, Immigration Law Project, Safe Horizon	<p>As it is now, only the Vermont Service Center and only for U, T, and VAWA related petitions, acts expeditiously and properly on fee waiver requests. Our experience with every other Service Center has been dismal. Clients who absolutely meet the fee waiver requirements and submit the appropriate documentation are continually denied. Nonsensical and extraneous demands for additional information are the rule of thumb. Loss of time, energy, and a particularly onerous burden on the applicants and our workers here is the way fee waivers are now processed. We exist to help immigrants regularize their statuses as appropriate. USCIS has made our jobs more difficult and time consuming. Now comes the proposed changes to the fee waiver form.</p>	<p>The revised instructions do not require the entire form to be completed or additional information.</p>

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			<p>We urge USCIS not to change the I-912 language as suggested, requiring applicants to include information about all potential grounds of eligibility. The only purpose of the proposed change would be to create additional streams of paperwork back and forth between the Service, applicants and their pro bono providers. We see now how unnecessary demands for additional information play out. This will lead to months of correspondence between USCIS and the poor applicants. It has to cost the Government money to engage in this kind of unnecessary business. We know it costs us time that we could be helping other clients. We urge USCIS to continue its present policy of allowing an applicant to choose one box to check. If an applicant receives a means-tested benefit and can prove that, it should be sufficient to establish eligibility for a fee waiver. After all, another part of the Government, whether federal, state or city, has found the applicant to be living below the poverty guidelines already. Why should an applicant then be forced to provide documentation of 2 additional grounds? It absolutely makes no sense for anyone</p>	
34	Form, Part 1	Atim Oti	<p>I am the Legal Services Director of the Immigration Legal Service program for Lutheran Family Services Rocky Mountains. I urge USCIS not to change the language on the I-912 that would require applicants to include information about ALL potential grounds of eligibility for a fee waiver. Like many other not for profit legal services programs, all our clients are low income immigrants. Applicants who receive means-tested benefits have already been screened by government agencies, for both state and federal programs based on their income level, and therefore USCIS should be able to rely on these governmental determinations to make their own fee waiver decision. Moreover, requiring applicants who already have means-tested benefits to provide voluminous documentation of income, expenses, and hardship will create an undue and unnecessary burden on not for profit legal</p>	<p>The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and modify the language as suggested.</p>

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			<p>service providers. It will unduly delay these providers' the ability to serve the large number of low income immigrants who are not able to access private and competent legal services in our communities. I strongly urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver</p>	
35	Form, Part 1	Isaac Wheeler, The Bronx Defenders	<p>I am the legal director of immigration advocacy at The Bronx Defenders, a holistic defender agency that serves indigent clients in New York City. The proposed change to the I-912 that requires applicants to include information about all potential grounds of eligibility for a fee waiver even if they receive a means-tested benefit will impose a significant and undue burden on our clients and legal staff. Our clients seeking affirmative benefits are often in crisis and have difficulty obtaining paperwork about their income level or financial hardship. The proposed change to the form needlessly burdens them, our staff and USCIS adjudicators in cases where eligibility for a fee waiver is clear. Please do not change this aspect of the current form. Thank you for your consideration of this comment.</p>	<p>The revised instructions do not require the entire form to be completed. USCIS will modify the language in as requested.</p>
36	Form, Part 1	Jessica Mayo	<p>The Migrant and Immigrant Community Action (MICA) Project is a not-for-profit organization that serves the underrepresented, low-income immigrant community in Eastern Missouri, Southern Missouri, and Illinois. We urge USCIS to preserve the current language on the I-912 form and to refrain from making the suggested change to require all applicants to include information about ALL potential grounds of eligibility for a fee waiver.</p> <p>Our clients who apply for fee waivers do so because they are poor. The proposed changes to the I-912 would work to create more hurdles for the most vulnerable non-citizens to gain access to legal representation and resources. The process of applying for a fee waiver would become more arduous and it becomes that much more difficult for our clients to file for</p>	<p>The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and modify the form instructions as requested.</p>

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			<p>important benefits such as naturalization, green card renewals, and asylee adjustment.</p> <p>Our non-profit would also encounter increased difficulties, as the new form would require the collection of superfluous documentation about income and hardship and would force adjudicators to process an unnecessary amount of information. The collection of this additional information is excessive and unnecessary and would only serve to complicate a straightforward process and create more work for the client, his/her representative, and the adjudicators.</p> <p>Our organization already finds that many fee waivers are incorrectly rejected. Upon resubmission with a request for supervisory review, they are often accepted. But this lengthens the process, causes unnecessary work and stress, and often delays critical cases. We had one client who had to spend an extra month in a halfway house due to an erroneous denial. Another client needed her naturalization certificate to have her 3-year-old son come to the United States; an erroneous denial of her N-600 fee waiver further delayed their reunification. Making the form more difficult to fill out, and making adjudicators sift through additional evidence, will make these denials more frequent.</p> <p>Due to the fact that this adjustment would only serve to create more barriers for an already underserved population and would make the process of applying for a fee waiver inefficient for all parties, we ask you not to change this section of I-912.</p>	<p>The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and modify the language in the pertinent section. The new clearer form and instructions should resolve many of the commenter's concerns about erroneous rejections.</p>
37	Form, Part 1	Rachel Strong	<p>I am the Pro Bono Counsel at a large law firm. We represent hundreds of immigrants on a pro bono basis. Most of our clients apply for fee waivers. I urge USCIS not to change the language on the I-912 to require applicants to include information about ALL potential grounds of eligibility for a fee</p>	<p>The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and modify the language in the pertinent section.</p>

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			<p>waiver. USCIS' longstanding policy of allowing a person who receives a means-tested benefit to qualify for a waiver is sufficient for the purpose of determining who is eligible for a fee waiver. Applicants who receive means-tested benefits already have provided the strict proof of need required by government agencies, and it is entirely reasonable for USCIS to rely on those processes when making their own fee waiver decisions.</p> <p>Requiring applicants who already have means-tested benefits to provide voluminous documentation of income and expenses and hardship will further tax the resources of the extremely underfunded legal services organizations and pro bono lawyers that represent these low income immigrants.</p> <p>It also will further tax the resources of the USCIS employee who is reviewing the fee waiver application, unnecessarily adding time to make a determination that could reasonably be made quickly if the applicant is receiving a means-tested benefit.</p> <p>I therefore urge USCIS to continue its policy of granting fee waivers to individuals who can adequately prove that they qualify for only one of the three bases, including those who prove that they qualify for a means-tested government benefit.</p>	
38	Multiple	The Legal Aid Society of New York	<p>Full Comment Link</p> <p>Form Part 1: Urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver.</p>	<p>Form, Part 1: The revised instructions do not require the entire form to be completed. USCIS will adopt this recommendation and modify the language in the pertinent section.</p>

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			<p>Form Part 3: Question 2: Applicants who have neither an I-551 nor an I-94 but have a “status” will be confused as how to answer this question. Clarify that if the applicant has a status but not I-551 or I-94, should leave status blank.</p> <p>Form, Part 3 Question 3: On the proposed form, only one status (employed, full time student etc.) may be selected. However, an individual may be both employed and a full time student. Propose changing the instructions from select only one to select all that apply</p> <p>Form, Part 4, Question 1: There might be confusion between Form Number and Number of Forms. We propose changing “Number of Forms” in column 2 to “How Many Forms” or something else that is not so similar to “Form Number.”</p> <p>Form, Part 5, Table: Many clients will not know when their benefit expires or must be renewed. We propose eliminating this column of the table.</p> <p>Form, Part 6, Question 1.B.: If the applicant and his/her spouse are separated, how would they be living together in one household. Propose eliminating “or separated” from this question.</p>	<p>Form, Part 3, questions 2 and 3: USCIS has deleted these questions in response to other commenters concerns.</p> <p>Form, Part 4, Question 1: USCIS will adopt this recommendation and modify the language in the pertinent section.</p> <p>Form, Part 5, Table: Some benefits letters do have expiration dates. A requestor needs to provide this information to demonstrate that the benefit is currently being received. Therefore, no changes are made based on this comment.</p> <p>Form, Part 6, Question 1.B.: It is possible for spouses to be separated in marital status, but still physically living in the same household. No changes will be made based on this suggestion was not incorporated.</p>

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			<p>Form, Part 8, question 1: Section allows the applicant to either check that applicant can read and understand English or has used an interpreter. The title (Requestor’s Statement Regarding the Interpreter) assumes an interpreter. Propose adding the words “If Any” at the end of the title.</p> <p>Form, Part 8, question 1B: In the normal course of preparing a form, we don’t translate all the instructions to the client. Where an attorney or accredited representative is assisting the client [sic] prepare the form, that attorney or accredited representative would understand those instructions, and there should be no need to review them in detail with the client. Propose eliminating the words “and instructions” from this section.</p> <p>Form, Part 8, Requestor’s certification: Propose eliminating the release language altogether. Also propose adding the language “to the best of my knowledge” to the end of the certification where applicant certifies, under penalty of perjury, that the information in the request and any documents submitted with the request are complete true and accurate.</p>	<p>Form, Part 8, question 1: No change will be made based on this comment. Information about who reads the form to applicant is a standard request in all new and newly-revised USCIS forms. If the applicant reads English and prepares the form and uses no translator or interpreter, then the preparer and interpreter sections can be left blank.</p> <p>Form, Part 8, question 1B: No change will be made based on this comment. Even when the information collected on the form is completed by the preparer using their own knowledge or self-evident reasoning, the information derives from and is about the applicant. The applicant must sign the form under penalty of perjury, so the preparer should review the answers that they provide. Therefore, no changes will be made to the language.</p> <p>Form, Part 8, Requestor’s certification: No change will be made based on this comment. As more USCIS forms are available to be filed in an electronic, paperless environment we are enhancing</p>

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				<p>forms language to combat immigration fraud as requested by federal law enforcement agencies. USCIS is also utilizing the attestation process to meet its identity-proofing and attribution requirements established for electronic identity authentication under federal law. The language does not exceed USCIS' authority to make requests necessary to complete case processing.</p>
39	Multiple	Paul Chandler, World Relief Immigration Clinice	<p>List of Forms: On the I-912, list the forms that are NOT eligible for a fee waiver. (I realize this list changes over time, and also involved other factors, but it would still be helpful to have the basic info printed directly on the form.)</p> <p>Means tested benefits: In section 4, when identifying Means-tested benefits, please add a set of check boxes, so an applicant can indicate what type of benefit they currently receive: DSS-SNAP, SSI- disability, Other... This would also be a way that you can identify which types of Means-tested benefits make an applicant eligible for a fee waiver.</p> <p>Form, Part 6: In section 5, when identifying household income, in addition to the question</p>	<p>List of Forms: Form Numbers are being removed from the I-912 to the webpage to avoid revising the form when forms eligible for the fee waiver change.</p> <p>Means-tested benefits: In Part 5 of the Form, there is space to provide the information about the means-tested benefits a requestor receives. The requestor is also directed to use Part 12 to add, if needed, to provide more about the means-tested benefits received. No changes will be made based on this comment.</p> <p>Form, Part 6: Part 6 of the form, question 2 contains a</p>

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			<p>"how many depend on the stated income" please add a clarifying question, such as: "how many household members can be listed as dependents for tax purposes" OR "regardless of you dependents listed in Section 2, how many household members depend on the stated income." To clarify "average monthly wage" you could ask "how much household income was earned during the past month" and then ask again "during the past 12 months". You can then compute an average income, and also gauge whether the recent month is representative of average income.</p>	<p>table where the requestor would list all of the people that would be counted as part of the requestor's household size. This would include dependents on the tax returns. Therefore, no changes will be made based on this comment.</p> <p>Also, Part 6 is focused on determining annual income in relation to the poverty guidelines. While evidence demonstrating monthly income can help determine the annual income, the suggested question does not aid in determining if the requestor is eligible for the fee waiver. No changes will be made based on this comment.</p>
40	Multiple	Kate Voigt, The American Immigration Lawyers Association (AILA)	<p>Full Comment Link</p> <p>Forms, Part 1: USCIS has deleted the language that appears in the current instructions which says that applicants who have provided sufficient evidence that they are receiving a means-tested benefit will normally be approved "and no further information will be required." AILA strongly urges USCIS to keep the language on the current Form I-912, and to continue its longstanding policy to consider proof that the applicant receives a means-tested benefit sufficient to establish eligibility for a fee waiver. In addition, USCIS should amend the parenthetical that currently reads "Select all applicable boxes" to "Select one or more of the following boxes."</p> <p>Form, Part 2:</p>	<p>Forms Part 1: USCIS will adopt this recommendation and modify the language in the pertinent section accordingly..</p>

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			<p>USCIS should add a question to elicit whether the requestor’s spouse resides within or outside the United States and, as a follow up, a yes/no question as to whether the requestor receives any financial support from the spouse.</p> <p>Form, Part 3: AILA recommends deleting this section, because the applicant’s immigration status is not relevant when determining eligibility for a fee waiver and is already provided in the underlying benefit application. It is intimidating for an undocumented applicant to have to disclose their status in the fee waiver application, and will deter needy applicants, especially when read with the new language in Requestor’s Certification section about releasing information for enforcement purposes.</p>	<p>Form, Part 2: Part 6 of the form already contains a question that asks if the spouse lives in the requestor’s household. An additional question asking whether the spouse resides abroad or in the US is not needed because either way, the spouse is not counted as part of the household size, plus income determines if a requestor is unable to pay, not where they reside. There is also space to provide additional income provided to the household from people outside the household. This includes a spouse living abroad that contributes money to the household. Therefore, USCIS will not add these questions.</p> <p>Form, Part 3: USCIS will adopt this recommendation, in part, deleting the questions in part 3 relating to immigration status and will modify the language in the pertinent section.</p> <p>USCIS will retain the employment status questions as this information is relevant to the determination of inability to pay and this information is not necessarily available from information provided on other forms.</p>

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			<p>Form, Part 6 Under “Household Income” on the form and in the instructions, the household should be more clearly defined. Under “Additional Income or Financial Support,” the form makes it clear that any income received from another person, including dependents and others residing in the household, should be disclosed. However, it is unclear how a roommate who is not contributing income and who is in fact dependent on the fee waiver requestor – who may be a family member or friend who is not a child, spouse, or parent and thus not a “dependent” for tax purposes – should be treated.</p> <p>Instructions, Part 5: The instructions say that a child’s receipt of a means-tested benefit cannot be used to establish fee waiver eligibility. We believe this is an error, and that USCIS should consider whether the requestor’s child is receiving a means-tested benefit when adjudicating a fee waiver request.</p>	<p>The instructions in part 6 specify who is considered part of the household. USCIS does not consider a roommate income as part of the total household income. We will clarify this in our filing tips on our website.</p> <p>Instructions, Part 5: There is no error. Current policy provides that if a child or grandchild is receiving a means-tested benefit, parents or other family members will not necessarily qualify for a fee waiver. USCIS reviews the parent’s household income for eligibility. The language “will not necessarily qualify” has been confusing for immigration service officers to review and consider when adjudicating a fee waiver request. Therefore, USCIS clarified, consistent with the 2011 fee waiver policy memo, that the means tested benefit receipt is only for actual applicant. If the child is receiving a means tested benefit, the parent may still apply or qualify under other</p>

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			<p>Instructions, Paperwork Production Act: USCIS lists the estimated burden for completing the form at 2 hours. AILA estimates that completing the revised and expanded form would take between 2.5 and 3 hours total, including the time for reviewing instructions, gathering the required documentation and information, completing the request, preparing statements, attaching necessary documentation, and submitting the request.</p> <p>Certifications and Acknowledgements: <i>Part 11—Preparer’s Certification</i> AILA remains concerned with the expanded language of the preparer’s certification. The proposed language reads: <i>By my signature, I certify, swear, or affirm, under penalty of perjury, that I prepared this request on behalf of, at the request of, and with the express consent of the requestor. I completed this request based only on responses the requestor provided to me. After completing the request, I reviewed it and all of the requestor's responses with the requestor, who agreed with every answer on the request. If the requestor supplied additional information concerning a question on the request, I recorded it on the request.</i> This language is repetitive, confusing, and imposes a burdensome and unnecessary process for preparing and reviewing this form.</p> <p>Any concerns about fraud detection and prevention are more than adequately covered in the existing regulations cited above. Moreover, it is beyond the authority of USCIS to stipulate a specific review procedure for attorneys and their clients and require that it be followed.</p>	<p>income guidelines.</p> <p>Instructions, Paperwork Reduction Act: Every requestor does not have to fill out all sections of the Form I-912, as commenter had believed was now the policy. Clarifying language is added to avoid this misconception and should alleviate the concerns about the extra burden of filling out the form.</p> <p>Certifications and Acknowledgements: No change will be made based on this comment regarding certifications and acknowledgements.</p> <p>USCIS is adding language to combat immigration fraud as requested by federal law enforcement agencies. USCIS is also utilizing the attestation process to meet its identity-proofing and attribution requirements established for electronic remote authentication under federal law. USCIS does not believe the language is overly long, repetitive or that it adds excessive burden on respondents.</p>

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			<p>As such, AILA urges USCIS to revise the “Preparer’s Certification” to read as follows: <i>By my signature, I certify, swear, or affirm, under penalty of perjury, that I prepared this form on behalf of the applicant, or another individual authorized to sign this form pursuant to form instructions. I prepared this form at his or her request, and with his or her express consent, and I understand that the preparation of this form does not grant the requestor any immigration status or benefit.</i></p> <p><i>Page 6, Part 8 – Requestor’s Certification</i> This section, allowing USCIS to access “any and all of my records that USCIS may need,” is overly broad, and may violate privacy laws. While we agree that USCIS has the authority to obtain records related to the requestor that are maintained by other agencies within the Department of Homeland Security and the State Department, this statement seems to go beyond the acceptable parameters. We do not believe that the applicant should be compelled to allow USCIS to retrieve non-public information or release the applicant’s information to any branch of the U.S. government, private companies, or the governments of foreign countries. We strongly object to this provision, and ask that it be revised to protect the privacy interests of the applicant.</p>	<p>The information that USCIS may access is limited to information <i>USCIS may need</i>. This is a simple rephrasing of current legal requirements and authorities that previously have not been included in the signature section because affirmative approval for such disclosures and records access is not required under the law for USCIS to obtain access during its adjudication.</p>
41	Forms, Part 1	Kate Webster African Services Committee	<p>I am an immigration attorney with African Services Committee, a community based organization serving the African and Caribbean immigrant population in the greater New York City Area. I urge USCIS not to change the language on the I-912 as suggested, requiring applicants to include information about all potential grounds of eligibility for a fee waiver. I urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a</p>	<p>USCIS will adopt this recommendation and modify the language to make clear that applicants do not need to include information about all potential grounds of eligibility for a fee waiver.</p>

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			<p>fee waiver.</p> <p>By definition, those applying for fee waivers are poor. They are thus more likely to be unrepresented or represented by non-profits with limited resources. Requiring the most vulnerable non-citizens to submit additional paperwork about their income level and/or their financial hardship poses an undue burden on them, making it more difficult for them to complete the fee waiver and to file for important benefits such as naturalization, green card renewals, and asylee adjustment. It puts an undue burden on non-profit legal service providers which will have to gather superfluous documentation about income and hardship. And it will result in the unnecessary submission of paperwork to adjudicators who only need to see proof of the means-tested benefit. Please do not change this section of the form.</p>	<p>USCIS will adopt this recommendation and modify the language to make clear that applicants do not need to include information about all potential grounds of eligibility for a fee waiver. Many people who request for fee waivers may be low-income, but documentation of their income must be provided to show inability to pay.</p>
42	Forms, Part 1	Elaine Fordyce	<p>I am an immigration attorney who regularly compiles fee waivers on behalf of clients. I urge USCIS not to change the language on the I-912 as suggested, requiring applicants to include information about all potential grounds of eligibility for a fee waiver. I believe USCIS should continue its longstanding policy that if an applicant receives a means-tested benefit, that alone is sufficient to establish eligibility for a fee waiver.</p> <p>By definition, those applying for fee waivers have limited resources. They are more likely to be unrepresented or represented by non-profits with limited resources. Since almost by definition a person who receives a means-tested benefit is below 150% of the poverty level and is also likely to have some kind of financial hardship, this change will mean that fee waiver applications which were once easy for unrepresented individuals, or those working with non-profits, to complete will become much more onerous and difficult.</p>	<p>USCIS will adopt this recommendation and modify the language to make clear that applicants do not need to include information about all potential grounds of eligibility for a fee waiver.</p> <p>The act of applying does not define their level of resources. They must document their eligibility.</p>

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			<p>Requiring the most vulnerable non-citizens to submit additional paperwork about their income level and/or their financial hardship poses an undue burden on them, making it more difficult for them to complete the fee waiver and to file for important benefits such as naturalization, green card renewals, and asylee adjustment. It puts an undue burden on non-profit legal service providers which will have to gather superfluous documentation about income and hardship. And it will result in the unnecessary submission of paperwork to adjudicators who only need to see proof of the means-tested benefit. Please do not change this section of the form.</p>	
43	Multiple sections	Comment Submitted by Aviden Moussavina, National Immigration Law Center	<p>Page 3, Part 1. Basis for Your Request Recommendation: USCIS should keep the language from the current edition of the Form I-912 (in Section 3) permitting the applicant To check “any” that apply.</p> <p>Page 4, Part 5. Means---Tested Benefits Recommendation: The instructions should include the following Language after, “USCIS will consider these state---funded Benefits as ‘means---tested’ benefits for purposes of this fee waiver request.”: “Localities may also provide you with means---tested public benefits. USCIS will consider these locally---funded benefits as ‘means---tested’ benefits for purposes of this fee waiver request.” The instructions should also include Examples of state and</p>	<p>Part 3, Part 1 USCIS will adopt this recommendation and modify the language to make clear that applicants do not need to include information about all potential grounds of eligibility for a fee waiver.</p> <p>Page 4, Part 5. Means---Tested Benefits No changes will be made based on this comment. The instructions provide information on means-tested benefits including federal, state and locally funded benefits.</p>

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			<p>locally---funded benefits.</p> <p>Page 4, Part 5. Means---Tested Benefits, Item Number 2, 1. Family Member’s Mean Tested Benefits</p> <p>USCIS should maintain its existing policy, which allows the agency to consider means--- tested benefits Received by an applicant’s spouse (even if the applicant and spouse are residing apart), child or grandchild, or parent for purposes of the fee waiver request.</p> <p><i>Page 4, Part 5. Means---Tested Benefits, Item Number 2, Validity of Means---Tested Benefits</i></p> <p>USCIS should not modify existing policies on the validity of means---tested benefits, especially when such changes place onerous burdens and costs onto applicants and government benefit granting agencies.</p>	<p>Current policy provides that if a child or grandchild is receiving a means-tested benefit, parents or other family members will not necessarily qualify for a fee waiver. USCIS reviews the actual immigration benefit applicant’s household income for eligibility and not the income or documented lack of income of a relative or minor child who lives in the home with the person filing the immigration benefit request. In addition, the language “will not necessarily qualify” has been confusing for immigration service officers to review and consider when adjudicating a fee waiver request. Therefore, USCIS clarified, consistent with the 2011 fee waiver policy memo, that the means tested benefit receipt is only for actual applicant. If the child is receiving a means tested benefit, the parent may still apply or qualify under other income guidelines.</p> <p>Page 4, Part 5. Means---Tested Benefits, Item Number 2, 2. Validity of Means---Tested Benefits</p> <p>No changes in policy were proposed in this form revision. USCIS will modify the language to clarify.</p>

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			<p>Page 7, Part 6. Income Below 150 percent of the Federal Poverty Guidelines, Household-size, Item Number 5, Provide Additional Income</p> <p>Recommendation: USCIS should maintain its clear and reasonable guidance that an applicant living with another person must only include that person’s income in household income if that person provides over 50% of household income support to the applicant.</p> <p>Page 7, Part 6. Income Below 150 percent of the Federal Poverty Guidelines, Household Size, Item Number 7, Financial Hardship, Items Number 1 and 2</p> <p>Recommendation: USCIS should explicitly state on the instructions and the form that assets that “may be readily liquidated” or that “easily convert into cash” only include “cash, checking and savings accounts, annuities, stocks, and bonds.”</p> <p>Elimination of the “Specific Information” Section</p> <p>Recommendation: USCIS should keep the current advisory language on how applying for a fee waiver impacts a public charge determination.</p> <p>Form</p>	<p>USCIS removed this provision to clarify the difference between head of household and household income as there was confusion on this section.</p> <p>No changes will be made based on this comment. The instructions provide information on the type of assets petitioners should include.</p> <p>Elimination of the “Specific Information” Section</p> <p>No changes will be made based on this comment. Information was moved to website Frequently Asked Questions, as it is not part of the form requirements.</p> <p>Form</p>

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			<p>Page 1, Part 1. Basis for Your Request</p> <p>Recommendation: USCIS should keep the language from the current edition of the Form I-912 (in Section 3) permitting The applicant to check “any” that apply. The new form should also direct applicants to the specific sections of the form they are expected to complete depending on the basis for which they are applying.</p> <p>Page 3, Part 5. Means---Tested Benefits, Table: Means---Tested Benefits Recipients</p> <p>Recommendation: USCIS should eliminate the column titled, “Date Benefit Expires or Must be Renewed.”</p> <p>Page 4, Part 6. Income Below 150 Percent of the Federal Poverty Guidelines, Question 5. Additional Income</p> <p>Recommendation: USCIS should maintain its current requirement that an applicant only needs to document additional Income or financial support from other persons living in their household if that person provides over 50% of household income support to the applicant.</p> <p>Page 5, Part 7. Financial Hardship, Question 2, Liquid Assets Recommendation: USCIS should explicitly state on the instructions and the</p>	<p>Page 1, Part 1. Basis for Your Request USCIS will adopt this recommendation and make sure the form clearly does not require evidence for all three bases.</p> <p>Page 3, Part 5. Means---Tested Benefits, Table: Means---Tested Benefits Recipients No changes will be made based on this comment. The means-tested benefit must be currently received. To reduce rejections of fee waiver requests, the column was added to collect the effective date information.</p> <p>Page 4, Part 6. Income Below 150 Percent of the Federal Poverty Guidelines, Question 5. Additional Income USCIS removed this provision to clarify the difference between head of household and household income as there was confusion on this section.</p> <p>Page 5, Part 7. Financial Hardship,</p>

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			form that assets that “may be readily liquidated” or that “easily convert into cash” only include “cash, checking and savings accounts, annuities, stocks, and bonds.”	Question 2, Liquid Assets No changes will be made based on this comment. The instructions provide information on the type of assets petitioners should include.
44		Comment Submitted by Hasan Shafiqullah, Esq., The Legal Aid Society	Same as #38 The Legal Aid Society of New York	Same as #38
45		Comment Submitted by Laura Peralta-Schulte, National Catholic Social Justice Lobby (NETWORK)	Same as #43 Comment Submitted by Avidah Moussavian, National Immigration Law Center	Same as #43
46	Multiple Sections	Paul Chandler, World Relief	On the I-912, list the forms that are NOT eligible for a fee waiver. (I realize this list changes over time, and also involved other factors, but it would still be helpful to have the basic info printed directly on the form.)	Instructions Part 1 No changes will be made based on this comment. Form Numbers are being

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		Immigration Clinics	<p>In section 4, when identifying Means-tested benefits, please add a set of check boxes, so an applicant can indicate what type of benefit they currently receive: DSS-SNAP, SSI- disability, Other... This would also be a way that you can identify which types of Means-tested benefits make an applicant eligible for a fee waiver.</p> <p>In section 5, when identifying household income, in addition to the question "how many depend on the stated income" please add a clarifying question, such as: "how many household members can be listed as dependents for tax purposes" OR "regardless of you dependents listed in Section 2, how many household members depend on the stated income." To clarify "average monthly wage" you could ask "how much household income was earned during the past month" and then ask again "during the past 12 months". You can then compute an average income, and also gauge whether the recent month is representative of average income.</p>	<p>removed from the I-912 to the webpage because which forms are eligible for a fee waiver may change. If a form is not on the list, it is not eligible for a fee waiver.</p> <p>Part 4. The instructions provide information on the type of benefits that may be used for eligibility. Since there are multiple programs in all the states, a limited checklist may be confusing to the public. No changes are made based on this comment.</p> <p>Part 5 Part 6 of the form, question 2 already contains a table where the requestor would list all of the people that would be counted as part of the requestor's household size. This includes dependents on the tax returns. Also, Part 6 is focused on determining annual income in relation to the poverty guidelines. While evidence demonstrating monthly income can help determine the annual income, the suggested question does not aid in determining if the requestor is eligible for the fee waiver.</p>
47	Multiple Sections	Jacinta MA, Naturaliza	<p>Proposed Part 3, Information About Your Status The proposed new section should not be added. An applicant's immigration status should be irrelevant to determining eligibility for a fee waiver and</p>	<p>USCIS will adopt this recommendation, in part, deleting the questions in part 3</p>

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	ons	tion Working Group	<p>such information is already a part of the underlying application. Requesting unnecessary additional information only makes the form more lengthy and complicated. Specifically, this section may deter unauthorized immigrants from filing out the form especially when considered with the proposed new language in the signature section stating that information on the form can be released to be used for enforcement purposes.</p> <p>Proposed Part 6, Income Below 150 Percent of the Federal Poverty Guidelines</p> <p>The proposed changes are unclear and complex. This section should very clearly define who is included as a member of a household and only ask for the income of those who are a member of the household. Under the proposed changes it is ambiguous who one should consider as a household member and whether one needs to list the income or support of people such as a roommate. The current March 2011 policy guidance is clear that “household income” only includes the income of those included when filing taxes and that when an applicant does not file a tax return, then household income includes the applicant, spouse, parents, and certain unmarried children. We believe that this policy guidance should continue to be followed and that the income and support of those not included in determining household income, such as roommates, should continue to be</p>	<p>relating to immigration status and will modify the language in the pertinent section.</p> <p>USCIS will retain the employment status questions as this information is relevant to the determination of inability to pay and this information is not necessarily available from information provided on other forms.</p> <p>Proposed Part 6, Income Below 150 Percent of the Federal Poverty Guidelines</p> <p>No change will be made based on this comment. The instructions explain how to determine who is a head of household. USCIS will provide clarification in the website regarding roommates. USCIS does not consider a roommate income as part of the total household income.</p> <p>Proposed Part 8, Requestor’s Statement,</p>

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			<p>excluded.</p> <p>Proposed Part 8, Requestor’s Statement, Contact Information, Certification and Signature Under the proposed changes, it is unclear how to handle the circumstance in which more than one family member over the age of 14 is included in the application. There should be some additional signature lines. Also, we recommend that only those individuals 18 or older should need to sign.</p> <p>Comments on Proposed Instructions We believe it would be helpful for USCIS to provide some guidance on the situation when an applicant is homeless.</p> <p>Page 2, Translations</p> <p>We recommend that USCIS accept documents submitted in a foreign language without a full English translation certified by a translator when the Federal or state agency that issues the notice establishing eligibility for the public benefit (e.g., eligibility for Medicaid, or for Food Stamps, or another means-tested program) is required by Federal law to issue it in that foreign language. It is impractical, and in some cases impossible, for applicants to get the notice in English if the state agency is required to issue the notice in another language because issuing the notice in English could put the agency at risk of violating federal law. For some agencies, issuing even a single notice in English makes a permanent change in the agency’s computer system so that all future correspondence is issued in English as well. Requiring applicants to translate these documents incurs an additional burden that deters them from naturalizing. USCIS should work with the relevant agencies to verify and translate those documents instead.</p>	<p>Contact Information, Certification and Signature. The instructions provide for all requestors to sign the application. A parent may sign on behalf of a child. Requests with children between 14 and 18 who have not signed are not rejected.</p> <p>Instructions provide for applicants who are homeless to indicate their circumstances in the financial hardship section.</p> <p>Page 2, Translations</p> <p>Providing translations into English is a requirement under the regulations. 8 CFR 103.2 (b) (3). The U.S. government agencies should be able to provide documentation in English.</p>

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			<p>Page 2, Signatures for the Disabled USCIS should clarify that “A designated representative may sign if the applicant is unable to sign due to a physical, mental, or developmental disability.”</p> <p>Page 4, Family Members’ Mean Tested Benefits The instructions state that an applicant may not use a child or grandchild’s receipt of means-tested benefits to qualify for a fee waiver. Parents and grandparents who are legal guardians should be able to use their dependent’s eligibility for a means-tested benefit to qualify for a fee waiver because the child’s eligibility is based on the parent’s financial situation.</p>	<p>Signature requirements accord with 8 CFR 103.2(a)(2). A legal guardian may sign on behalf of incompetent applicants. An individual who is unable to write in any language may place an “X” or similar mark in lieu of a signature.</p> <p>Current policy provides that if a child or grandchild is receiving a means-tested benefit, parents or other family members will not necessarily qualify for a fee waiver. USCIS reviews the actual immigration benefit applicant’s household income for eligibility and not the income or documented lack of income a relative or minor child who lives in the home with the person filing the immigration benefit request. The language “will not necessarily qualify” has been confusing for immigration service officers to review and consider when adjudicating a fee waiver request. USCIS does not waive a fee for a parent using their child’s benefit letter even though the benefit may have been granted the child based on the parent’s income. Therefore, USCIS clarified, consistent with the 2011 fee waiver policy memo, that the means tested benefit receipt is only for</p>

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			<p>Additionally, the agency should issue clear guidance that USCIS application examiners must not re-adjudicate a finding by a state or Federal agency that an individual qualified for a means-tested benefit.</p> <p>Page 4, Validity of Means-Tested Benefits</p> <p>Moreover, the requirement that the letter granting the means-tested benefit must have an expiration date or indicate the length of the benefit, is overly burdensome and will likely deter individuals from naturalizing. Many of the letters do not provide this information, and the agencies issuing the letters are often unable or unwilling to provide a letter with the requested information. We believe that so long as the letter has been issued within in the last 12 months that should be sufficient to demonstrate their eligibility for a waiver.</p>	<p>actual applicant. If the child is receiving a means tested benefit, the parent may still apply or qualify under other income guidelines.</p> <p>USCIS does not re-adjudicate an applicant’s means-tested benefit, however, USCIS may question if the award letter clearly qualifies as sufficient evidence.</p> <p>Page 4, Validity of Means-Tested Benefits</p> <p>One of the requirements is that the means-tested benefit is currently being received. Some benefits letters do have expiration dates. Guidance in the instructions provides for requestors to provide letters that were issued within 12 months. To clarify and avoid rejections of the fee waivers, the column was added to allow the applicant to provide the information. No changes will be made based on this comment.</p>
48		Jeanne M. Atkinson, CLINIC	<p>The Proposed Form Part 1. Basis for Your Request instruction should either be revised to say, “Select the box that best describes your situation” or the text, “Select all applicable boxes” should be deleted.</p>	<p>Part 1 USCIS will adopt this recommendation in part and modify the language in the pertinent section.</p>

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			<p>In addition, USCIS should keep the language in the current form that refers applicants to the relevant parts of the form for each criterion.</p> <p>Part 3. Information About Your Status The applicant's immigration status is not relevant when determining eligibility for a fee waiver. There is no need to request this information in Part 3. This information is already available in the underlying benefit application or the applicant's A-file.</p> <p>Part 5. Means-Tested Benefits Part 5 states, "If you answer 'Yes' to either Item Numbers 1 or 2" but it is not clear which items 1 or 2 this clause is referring to. It should say, "If you checked Box A in Part 1, complete this section."</p>	<p>The current instructions list forms for which waivers are available and that list was removed in the revised version to decrease the number of pages. In addition, listing the forms would require a form revision should USCIS decide to add or remove a form from fee waiver eligibility. Therefore, Form Numbers are being moved from the I-912 to the webpage.</p> <p>Part 3 USCIS will adopt this recommendation, in part, deleting the questions in part 3 relating to immigration status and will modify the language in the pertinent section.</p> <p>USCIS will retain the employment status questions as this information is relevant to the determination of inability to pay and this information is not necessarily available from information provided on other forms.</p> <p>Part 5: USCIS provided edits in Part 1 to clarify.</p>

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			<p>The revised table is helpful.</p> <p>The third column requests “Type of Benefit and Name of Agency Awarding Benefit.” The type of benefit and the name of the agency awarding benefit are two separate pieces of information and should be in separate columns.</p> <p>Part 6. Income Below 150 Percent of the Federal Poverty Guidelines</p> <p>The heading has a typo and should state, “Income at or Below...” This typo needs to be corrected on page 4 as well.</p> <p>This section should have an instruction at the top that states, “If you checked Box B in Part 1, complete this section.”</p> <p>The information requested in this section about household size and income conflicts with the March 13, 2011 fee waiver policy guidance by referring too broadly to “household members.” Household members could include individuals such as roommates, who do not share bank accounts or other finances with the applicant. Roommates are not counted in the household size, so USCIS should not require information about roommates’ income.</p> <p>USCIS looks to the tax return listing the members of the household in determining the household size. In the absence of a tax return, the policy</p>	<p>Part 6: USCIS will adopt this recommendation and modify the pertinent section.</p> <p>Guidance is consistent with current policy. The 2011 memo provides for applicant to provide evidence of “Financial support or subsidy may include monetary contributions for the payment of monthly expenses received from adult children, dependents, and other people who are living in the individual’s household, etc.” USCIS is updating the forms and instruction to indicate family members. In addition, USCIS will clarify in the website that roommate’s income is not required or review of income below 150% of the FPG.</p> <p>No changes will be made based on this comment.</p>

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			<p>guidance specifies that only certain family members may be counted: a spouse; parent(s) living with the applicant; and certain unmarried children or legal wards. The form and instructions must clearly define who can be counted in the household size, consistent with the policy guidance, and then ask for only those persons' income. Accordingly, the section instructions for Part 6, Household Income should be changed to "Provide information about your income and the income of family members counted in your household."</p> <p>USCIS should add a question in this section about whether the applicant's spouse lives overseas, and if so, whether the spouse provides any financial support to the applicant.</p> <p>The proposed form requests the applicant's "annual total income" rather than "average monthly wage income" on the current form. This is an improvement that makes it easier to determine an applicant's eligibility for a fee waiver, since the Federal Poverty Guidelines list annual, not monthly income.</p> <p>Part 7. Financial Hardship</p> <p>This section should have an instruction at the top that states, "If you checked Box C in Part 1, complete this section." Number 2 is an improvement because it requests information about liquid assets and defines what they are. The current form only mentions assets. It</p>	<p>If the spouse in the U.S. is the dependent of the overseas spouse, then the overseas spouse is the head of household and the income counts. If it is a joint tax return, then the total income counts for both of them (so it is still included). It may be different if they filed separately and neither was a dependent on the other, but the financial assistance provided by the overseas spouse would count under additional income. Therefore, no changes made.</p> <p>USCIS is modifying Part 1 to direct applicants to the sections applicable to each qualification.</p>

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			<p>would be helpful for the instructions to give examples of some things that are not considered liquid assets, such as a car or a house.</p> <p>The monthly income information is presented in a series of boxes. The table format in the current version of the form is better and easier to use. We recommend maintaining the table format.</p> <p>Part 8. Requestor's Statement The instructions state, "Each person applying for a fee waiver request must sign and date Form I-912" and "should complete Part 9." It is unclear what to do in a situation where more than one family member age 14 or older is included in the application. Part 9 only provides for one family member to sign in addition to the requestor. For ease of use, we recommend keeping all signatures on the same page.</p> <p>Furthermore, making children over 14 sign the lengthy statement and certification in this proposed form does not make sense. They will not have the knowledge of the family's finances necessary to certify to the accuracy of the information. Minors should either be excused from signing or given a simpler statement to sign.</p> <p>The requestor's statement and certification is too lengthy and complex. This language is not found on the current I-912, so there is no need to add it to the proposed I-912. It adds significantly to the length of the proposed form, along with the lengthy interpreter's and preparer's statements in Parts 10 and 11. We recommend replacing these attestations in Parts 8, 9, and 10 with more concise attestations that are less burdensome and easier to understand.</p>	<p>Unfortunately, USCIS is unable to update the table formatting.</p> <p>Requestors Statement:</p> <p>No change will be made based on this comment. As more USCIS forms are available to be filed in an electronic, paperless environment we are enhancing forms language to combat immigration fraud as requested by federal law enforcement agencies. USCIS is also utilizing the attestation process to meet its identity-proofing and attribution requirements established for electronic identity authentication under federal law. USCIS does not believe the language is overly long, repetitive or that it adds excessive burden on respondents. The language does not exceed USCIS' authority to make requests necessary to complete case processing.</p>

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			<p>Part 8 requires the applicant to certify, “I further authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.” This language is overly broad and intimidating, especially when applicants are asked to disclose if they are undocumented on page 2. This language could have a chilling effect on needy applicants, especially if they have undocumented family members living in their household, as many immigrant households are mixed-status. We recommend retaining the language in the current fee waiver form.</p> <p>Part 10. Interpreter’s Contact Information We question the need for so much information about the interpreter. The N-400 does not request this level of detail, only the interpreter’s name and telephone number. The level of detail increases the length of the form needlessly.</p> <p>The Proposed Instructions</p> <p>Page 1, List of Forms to be Considered for a Fee Waiver USCIS has removed the list of applications and petitions that will be considered for a fee waiver, and refers applicants to the USCIS website instead. This list is very helpful and should be retained. Many low income applicants do not have easy access to a computer or the internet to view the list of forms.</p> <p>Page 2, Questions and Answers</p> <p>The questions and answers that begin on page 2 of the current instructions</p>	<p>No change will be made based on this comment. This language simply acknowledges the authority USCIS already has to obtain the information it needs to adjudicate an immigration benefit request and release information as provided in our systems of records notices under the Privacy Act. Removing it from the form does not preclude the release.</p> <p>Part 10. USCIS is collecting more detail on interpreters in case the interpreter must be contacted in the future in connection with the case.</p> <p>The current instructions list forms for which waivers are available and that list was removed in the revised version to decrease the number of pages. In addition, listing the forms would require a form revision should USCIS decide to add or remove a form from fee waiver eligibility. Therefore, Form Numbers are being moved from the I-912 to the webpage.</p> <p>All form instructions are retained just reformatted. Additional information will</p>

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			<p>and continue throughout are very helpful and should be retained. They have been deleted from the revised instructions. If not in the instructions, they should be placed in a Fact Sheet or FAQ sheet accompanying the form on the USCIS website.</p> <p>Page 3, Basis for Your Request The instructions state, “Select an inability to pay at the time of filing by selecting all that apply.” They also state, “You must provide additional details, including evidence, as explained in each part below.” This language is confusing and suggests that applicants must complete the entire form.</p> <p>Page 4, Means-Tested Benefits Paragraph 2 states, “For purposes of this fee waiver request only, USCIS will consider federal public benefits that your household receives...” It would be helpful to provide examples of the kind of benefits USCIS is referring to here.</p> <p>In paragraph 5, this sentence should be modified as follows: “Consult with your benefit-granting agency or your legal advisor to determine whether any federal, state, or local public benefit that you receive qualifies as a means-tested benefit.”</p> <p>Number 1 states that an applicant may not use a child or grandchild’s receipt of means-tested benefits to qualify for a fee waiver. We object to this policy. A child or grandchild’s eligibility for a means-tested benefit is based on the parent or grandparent’s low income..</p>	<p>be available in updated website.</p> <p>We have revised the instructions to remove the confusion.</p> <p>USCIS has no comprehensive list of benefits that it could be referring to here. Instructions provide examples for means-tested benefits that are eligible.</p> <p>USCIS thinks it is unnecessary to advise requestors that this course of action may be helpful.</p> <p>Current policy provides that if a child or grandchild is receiving a means-tested benefit, parents or other family members will not necessarily qualify for a fee waiver. USCIS reviews the actual immigration benefit applicant’s household income for eligibility and not the income or</p>

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			<p>In number 2, the instructions state that the letter granting the means-tested benefit must have an expiration date or indicate the length of the benefit. In our experience, these letters do not contain this information.</p> <p>Page 5, Income Below 150% of the Federal Poverty Guidelines There is a typo in the heading above. It should say, "Income at or Below</p>	<p>documented lack of income a relative or minor child who lives in the home with the person filing the immigration benefit request. In addition, the language "will not necessarily qualify" has been confusing for immigration service officers to review and consider when adjudicating a fee waiver request. Therefore, USCIS clarified, consistent with the 2011 fee waiver policy memo, that the means tested benefit receipt is only for actual applicant. If the child is receiving a means tested benefit, the parent may still apply or qualify under other income guidelines.</p> <p>One of the requirements is that the means-tested benefit is currently being received. Some benefits letters do have expiration dates. Guidance in the instructions provides for requestors to provide letters that were issued within 12 months. To clarify and avoid rejections of the fee waivers, the column was added to allow the applicant to provide the information. No changes will be made based on this comment.</p> <p>Typo is corrected.</p>

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			<p>150 percent of the Federal Poverty Guidelines.”</p> <p>In the second to last paragraph, applicants are instructed to provide their “total income before any deductions” as the annual total income. We have been told by USCIS in the past that it looks at adjusted gross income on the Federal tax return, which is the taxable income minus exemptions and deductions. We strongly urge USCIS to continue looking at the adjusted gross income, as this would be the most generous interpretation of the poverty guidelines. For those who do not have a tax return and are submitting pay stubs, we urge USCIS to look at the net income after taxes. We note that many working poor families have total income that is slightly above 150% of the poverty level, but still too low to afford the application fees.</p> <p>Page 6, Documentation of Annual Income There is a typo in number 4. Instead of “income at or above 150 percent of the Federal Poverty Guidelines” it should say, “income above 150 percent of the Federal Poverty Guidelines.” The same typo needs to be corrected in number 4 at the bottom of this page.</p> <p>Page 7, Item Number 5 Item number 5 states, “If a person living with you contributes financial support to your household, you must include this person’s income when calculating household income.” These instructions are not consistent with the March 13, 2011 policy guidance, which on page 6, Step 2 lists specific family members. The policy guidance does not include roommates or other relatives not specified. The Adjudicator's Field Manual (Chapter 10.9 (b) (2) Step 2) also lists the specific family members to be counted in</p>	<p>USCIS adjudicates fee waivers based on total income. The language can be very confusing, but we found that the poverty guidelines and IRS use different definitions for income. USCIS does not require inclusion of income that is not required to be reported to the IRS as taxable income. USCIS will continue its policy of reviewing total income which may include the AGI on the federal income taxes and net income along with additional income as noted in the form.</p> <p>USCIS will adopt this recommendation and modify the language in the pertinent section.</p> <p>Page 7, Item Number 5: The 2011 memo stated that for purposes of the 150% “Financial support or subsidy may include monetary contributions for the payment of monthly expenses received from adult children, dependents, and other people who are living in the individual’s household, etc.” Therefore this is not</p>

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			<p>determining household size, consistent with the policy guidance. An applicant may be living with a roommate who contributes to the rent, but who does not share finances, such as bank accounts, car payments, or other expenses with the applicant. In these situations, it does not make sense for USCIS to request information about a roommate's income such as tax returns, and the roommate would likely be unwilling to share this personal information. We recommend removing this instruction.</p> <p>Page 7, Financial Hardship In item number 1, the mention of medical expenses under financial hardship is helpful. The instructions should explain what to do specifically in cases where the applicant is homeless. These cases are very compelling, but especially difficult to get approved in our experience, due to the inability to obtain documentation of income and expenses when the applicant has no job, no rent, and no assets. USCIS should add a question to the proposed form in Part 7 asking if the applicant is homeless, to better identify these vulnerable applicants.</p> <p>Page 10, Requests for More Information We have never seen USCIS request originals of copies submitted. This appears to be something new. Given the problems we have seen with fee waiver adjudications, we question USCIS' ability to return original documents from a fee waiver request in cases where the request is approved.</p>	<p>inconsistent and no changes will be made.</p> <p>Part 7: Information for homeless applicants is available in the website. In addition, the instructions provide for those who cannot provide evidence of income or who have no income.</p> <p>No change will be made based on this comment. This language simply acknowledges the authority USCIS already has to obtain the information it needs to adjudicate an immigration benefit request.</p>
49		Koula E. Glaros-King, Community	<p>I urge USCIS not to change Form I-912 and its instructions as proposed, especially with regards to requirements for information for ALL three grounds of eligibility for fee waiver.</p>	<p>USCIS is modifying Part 1 to direct applicants to the sections applicable to each qualification.</p>

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		y Legal Aid Service, Inc.	<p>I also ask that USCIS keep the list of fee waivable forms in the instructions, as elimination of the list encourages improper requests for any USCIS benefit and substantially increases the volume of fee waiver rejection correspondence.</p> <p>I would instead propose that Form I-912 be evaluated for real effectiveness in helping those with limited or no financial resources. Fee waiver requests produce uneven results. I more frequently see USCIS rejections of the current I-912 requested by truly destitute clients, despite having been properly submitted, because they are asked to prove they have no employment and money.</p>	<p>The current instructions list forms for which waivers are available and that list was removed in the revised version to decrease the number of pages. In addition, listing the forms would require a form revision should USCIS decide to add or remove a form from fee waiver eligibility. Therefore, Form Numbers are being moved from the I-912 to the webpage.</p> <p>USCIS added additional information to the instructions and webpage for applicants who are homeless.</p>
50		Jennifer Chan, National Immigrant Justice Center	<ol style="list-style-type: none"> 1. Allow parents to use their children's receipt of means-tested public benefits to qualify for fee waivers or exemptions. 2. Remove the requirement that proof of receipt of public benefits be accompanied by either an expiration or renewal date. 	<p>Current policy does not provide for parents to use a child's means-tested benefit. USCIS reviews the parent's household income for eligibility.</p> <p>The means-tested benefit must be currently received. Some benefits letters do have expiration dates. Guidance in the instructions provides for requestors to provide letters that were issued within 12 months. To clarify and avoid rejections of the fee waivers, the column was added to allow the applicant to provide the</p>

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			<p>3. Reduce the paperwork for Form I-912</p> <p>4. Modify language in the preparer's certification.</p>	<p>information. No changes will be made based on this comment.</p> <p>Noted</p> <p>No change will be made based on this comment. As more USCIS forms are available to be filed in an electronic, paperless environment we are enhancing forms language to combat immigration fraud as requested by federal law enforcement agencies. USCIS is also utilizing the attestation process to meet its identity-proofing and attribution requirements established for electronic identity authentication under federal law. USCIS does not believe the language is overly long, repetitive or that it adds excessive burden on respondents. The language does not exceed USCIS' authority to make requests necessary to complete case processing.</p>
51		Sioban Albiol Asylum and Immigration Law	<p>Provide a Clear List of Forms Which Qualify for the Fee Waiver in the Instructions</p> <p>One point of confusion regarding fee waiver requests is which immigration forms may qualify for a fee waiver. We encourage US CIS to state more explicitly in the instructions (as they are in the current instruction form) and</p>	<p>The current instructions list forms for which waivers are available and that list was removed in the revised version to decrease the number of pages.</p> <p>In addition, listing the forms would require</p>

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		Clinic DePaul College of Law	<p>to make this information more easy to find (particularly for pro se applicants) on its website. The proposed revised Instructions under “General Eligibility Requirements” briefly reference a list of US CIS filing fees that may be waived and a link to applications that US CIS will consider for a fee waiver. The link currently does not provide a list of US CIS application forms for which fees are waivable. We recommend that US CIS include clear, succinct language under “What is the Purpose of Form I-912” that informs requests to “Follow the instructions below to complete the Form I-912 if your application or petition is eligible for a fee waiver. Not all US CIS application or petition forms are eligible.” Alternatively, we suggest that this information be provided after the first sentence under “Who Should File Form I-912?”</p> <p>Similarly under “Who Should File Form I-912” in the Instructions, we request that the applications and petitions which do not require a filing fee be listed or that a link to these forms be provided following the sentence “You do not need to file Form I-1912 for applications and petitions that do not require a filing fee.”</p> <p>Receipt of a means-tested benefit</p> <p>The proposed revised form indicates that a parent or grandparent cannot qualify for a fee waiver using the child’s or grandchild’s means-tested public benefit letter. See Instructions, Part 5. Item 2.1. This instruction contradicts the current instructions (which provide that parents or grandparents will not necessarily qualify based on the child’s receipt of a means-tested benefit) and also is inconsistent with a common-sense approach to determining “ability to pay” including US CIS previously stated position for reliance on means-tested benefits programs as evidence</p>	<p>a form revision should USCIS decide to add or remove a form from fee waiver eligibility. Therefore, Form Numbers are being moved from the I-912 to the webpage.</p> <p>Each form’s instruction will provide whether or not the form has fee exemptions.</p> <p>Current policy provides that if a child or grandchild is receiving a means-tested benefit, parents or other family members will not necessarily qualify for a fee waiver. USCIS reviews the actual immigration benefit applicant’s household income for eligibility and not the income or documented lack of income a relative or minor child who lives in the home with the person filing the immigration benefit request. In addition, the language “will not necessarily qualify” has been confusing for immigration service officers to review and consider when adjudicating a fee waiver</p>

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			<p>of inability to pay, that is, receipt of a means-tested public benefit represents another agency’s independent assessment of economic circumstances. See “CIS Ombudsman Teleconference: Fee Waivers: How Are They Working for You? September 30, 2009.” Most if not all means-tested programs will require examination of the parent’s income in order to determine a child’s eligibility for the benefit.</p> <p>Discounting a child’s or grandchild’s receipt of a means-tested public benefit may in fact serve to prevent certain categories of immigrants from availing themselves of the fee waiver. For example, a number of CBO partners work with immigrant crime victims who require a form I-192 waiver of ground of inadmissibility for which the filing fee is \$545. US citizen children of these individuals may in fact qualify for means-tested benefits whereas the parent seeking the immigration benefit would not. It is very common for a child or children in a low income family to be the only members of the household to receive Medicaid, TANF, or SNAP benefits due to the immigration requirements or the income limits of the programs. Children often have more expansive eligibility to federally means-tested programs including higher income limits and more liberal immigration requirements. Parents and Caretaker Relatives such as grandparents also rely on these household supports to care for the child providing health care coverage, food, income and sometimes subsidized housing and child care assistance. Since all of these programs have eligibility requirements that count parental and caretaker relative income into the eligibility determination for the child which is indexed directly to the Federal Poverty Limits (most often under 200% of the Federal Poverty Limits), receipt of public benefits by a child in the household is often the most reliable indicator of the household poverty level.</p>	<p>request. Therefore, USCIS clarified, consistent with the 2011 fee waiver policy memo, that the means tested benefit receipt is only for actual applicant. If the child is receiving a means tested benefit, the parent may still apply or qualify under other income guidelines.</p>

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			<p>We urge you to consider receipt of means-tested benefit of the child when adjudicating fee waiver requests.</p> <p>We also note the need for clarity and transparency in the instructions as to what proof of means-tested public benefits will be sufficient for adjudication. Our CBO partners consistently have encountered issues in adjudication of fee waiver requests—RFEs or rejections—related to proof of receipt of a means-tested benefit. We appreciate US CIS’s attempt to provide greater specificity here, see Instructions, Part 5, Item Number 2.2 regarding the need for current proof of receipt of public benefits, as long as these accurately reflect the requirements that US CIS will rely on in adjudications, that is, that receipt of public benefits as being current at the time of filing.</p> <p>Simplify the inquiry relevant to income and “ability to pay”</p> <p>We encourage you to include a link on the Instructions form, Part 6 “Household Income” to the Form I-912P, so that a requestor can quickly determine whether he or she qualifies based on income.</p> <p>We also encourage a more streamlined, non-technical approach to determination of household size and income for the requestor. The proposed revised Instructions and Form include a number of questions and terms without a clear relation as to how these answers and issues will be considered in the determination of ability to pay. Additionally, there is not a clear correlation between terms used by US CIS in the Form I-912 and instructions and terms used by other agencies such as the IRS. For example, the form I-912 employs the term “head of household,” which</p>	

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			<p>might also be considered a tax term. It seems that as the term “head of household” is employed in the instructions and forms, at least two different meanings are possible: one is what is meant by the IRS, a complex and confusing term in and of itself; and the second seems to be a reference to a person who possibly lives with the family but isn't part of the family. Reference to this term creates unnecessary complexity, ambiguity and confusion as to who is considered in the household. See Part 6, Question 1. For example at Part 6, Question Q.1.1 it is not clear whether spouse and head of household should be referenced.</p> <p>Similar concerns are present with regard to the use of “dependents,” that is, whether in referring to this term US CIS intended it to encompass “dependents” as used by the IRS and whether children who may not be included as “dependents” under the IRS definition could still be included in the household size for purposes of this fee waiver.</p> <p>Further, it seems that the request for some of this information is redundant and time consuming, for example the request for information about dependents which presumably would be apparent from income tax return forms which US CIS requests. While income and number of individuals who depend on income are relevant to the ability to pay determination, other information requested about dependents is not necessarily material to this determination.</p> <p>Avoid redundancies and confusion</p> <p>Part 3 Question 3 requires the requestor to indicate employment status and contains two boxes related to lack of current employment: “Unemployed</p>	

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			<p>(currently seeking employment)” and “Not Employed.” These two descriptions seem redundant. We suggest eliminating these boxes and providing one box: “Not currently employed.”</p> <p>Interpreter’s Contact Information, Certification and Signature</p> <p>Part 10 includes a certification from the interpreter and makes reference to penalties on the instructions. The form imposes new obligations on the requestor and interpreter in relation to the role of interpretation, but provides no guidance or standards with regard to what is expected of interpreters. We urge a more thorough discussion and engagement over the role of interpreters in the application process.</p> <p>General Comments on the Form & Instructions</p> <p>Our group takes note that the instructions have increased in length and that the proposed revised form is now double in length. The fee waiver form is likely to be completed by individuals who may be filing pro se, at pro bono workshops or with the assistance of low-cost legal services providers of limited resources. This longer form, rather than streamlining the process for the applicant and for US CIS, will require additional time to complete, presenting additional obstacles to low-income immigrants and refugees in accessing benefits. The length and complexity of the form may deter potential applicants from pursuing benefits. We note that the fee waiver requests in other contexts are limited in length. See, for example the application form for waiving the filing fee employed by the US Tax Courts at</p>	<p>No change will be made based on this comment. The number of pages on the instructions have been minimized as much as possible. USCIS has added the standard language in the requestor and interpreter certification sections which account for much of the increased length. The space added also increases readability.</p>

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			<p>http://www.ustaxcourt.gov/forms/Application_for_Waiver_of_Filing_Fee.pdf</p> <p>As discussed above, some of the questions which add to the length of the form create ambiguity and confusion rather than greater clarity regarding standards for adjudication. While we appreciate some of the additional specificity included in the instructions, we also note the increasing amount of time it will take for both pro se applicants and immigrant services providers dedicated to serving low-income immigrants and refugees, those who are most likely to be impacted by the revisions, to complete the form. Our comments not only address concerns of the immigrant-serving community but also serve to reduce redundancies and confusion in the proposed changes to the form.</p>	
52		Nasim Khansari, Asian Americans Advancing Justice – Los Angeles.	<p>General Comments</p> <p>The proposed Form I-912 is 10 pages long, which is double the current length. The proposed form is unnecessarily long and overly complex, will discourage many eligible, indigent applicants from applying, and will likely result in incorrect denials of fee waiver requests from applicants who qualify for it. Furthermore, Asian Americans Advancing Justice is in agreement with the comments submitted by the Immigrant Legal Resource Center and the Catholic Legal Immigration Network with respect to the undue burden of the proposed form on group processing events and the difficulty our staff and clients would face in gathering this documentation. These concerns are outlined below.</p> <p>A majority of the applicants we help who apply for the fee waiver are assisted in a group processing setting at naturalization workshops and clinics. This has enabled Advancing Justice – LA and its partner organizations to help thousands of people in a more cost-effective and time-efficient manner. We are deeply concerned about how this proposed form</p>	The form has not actually grown in size in terms of data collected. The forms have been revised to add white space for easier viewing and readability, and to format questions for clarity. Form I-912 will be more user-friendly for both the public and USCIS officers, while bringing the form up-to-date to reflect current standards. The intent is that Form I-912 will be easier for applicants to complete and will ensure more accurate filings with required evidence and fewer rejections.

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			<p>will impact our service delivery models and deter people from applying for naturalization altogether. A 10-page form is overly burdensome to the applicant as well as for the staff and volunteers who help them and yet offers no substantial improvement in determining who is eligible for a fee waiver or in establishing which documentation will be accepted. It will greatly reduce our capacity to serve applicants.</p> <p>Many applicants face language barriers and the complexity of the new form is likely to lead to confusion and errors if completed without expert assistance. Without free services from Advancing Justice – LA and our community partners, many applicants would be discouraged and may give up applying for naturalization altogether, particularly if we were not able to advocate on their behalf regarding their eligibility for the fee waiver. A reduction in the provision of free legal services may force applicants to seek out the services of unauthorized “immigration consultants” and fall prey to erroneous legal advice or fraud.</p> <p>The increased documentation required by the proposed changes will also create additional paperwork to be adjudicated by USCIS. We currently experience a high volume of erroneous fee waiver rejections by USCIS on the current 5-page form. These rejections cause a great deal of frustration and anxiety for our clients, and force staff to expend additional time on a fee waiver which had already been completed accurately. Advancing Justice – LA has advocated on behalf of numerous applicants whose fee waivers have been rejected in error by USCIS, and is concerned that the proposed changes will increase the likelihood of erroneous rejections</p> <p>Recommendation: Asian Americans Advancing Justice recommends that USCIS keep the current, simpler version of the form while making improvements to the instructions and adjudication process. By keeping the form easy to understand and use, USCIS will improve accessibility to critical immigration benefits, such as naturalization.</p>	

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			<p>Specific Comments regarding the proposed Form I-912</p> <p>The comments below incorporate specific suggestions to help streamline the proposed Form I-912 and instructions. We believe the relevant information in the Form I-912 could be requested in a more effective, clear, and concise way that remains accessible to the most vulnerable, low income naturalization applicants.</p> <p>[Page 1] Part 1. Basis for Your Request</p> <p>The proposed text requires requestors to select boxes indicating “all applicable” grounds of eligibility for the fee waiver request. The change in language from the current “any that apply” suggests that applicants will be required complete the entire form if all sections apply. This is contrary to the current policy whereby an applicant only needs to meet one of the three criteria to qualify for the fee waiver. The proposed language will make the fee waiver process unduly burdensome for both applicants as well as for USCIS adjudicators. Applicants for the fee waiver will be required to spend a greater amount of time completing the fee waiver application and gathering the necessary documentation. For instance, applicants who receive means-tested benefits have already been assessed by a government agency as being low-income and/or having financial hardships. Under the current version of the form, if an applicant provides sufficient evidence of a means tested benefit, the fee waiver request will “normally be approved and no further information will be required.” The proposed language will require such applicants to provide evidence of their income and hardships in addition to documenting the benefits they receive. The change in language, thus, will thus penalize needy applicants by making the fee waiver process more complicated and time consuming.</p> <p>Recommendation: Asian Americans Advancing Justice recommends</p>	<p>Part 1 USCIS will adopt this recommendation and modify the language in the pertinent section.</p>

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			<p>changing “Select all applicable boxes” to “Select the box that best describes your situation.”</p> <p>[Page 1] Part 2. Information About You (The Requestor). Asian Americans Advancing Justice supports the addition of the “Other” box under the marital status category in Question 7 of Part 2. Many applicants are separated or estranged from their spouses but do not obtain a formal divorce or legal separation. The current Form I-912 does not allow married persons who have become estranged but who do are not “legally separated” to apply for a fee waiver without including their spouse’s income. This has been an unduly burdensome requirement for applicants who are still legally married but who have been separated from their spouse for a number of years. In many cases, applicants who are separated have lost all contact with their former spouses (in particular, when that former spouse lives in a foreign country) and are simply unable to provide information regarding the estranged spouse’s income. In some cases, the spouses are separated due to domestic violence, including cases where the applicant is not applying for VAWA, T or U visa benefits as a battered spouse or child. Advancing Justice – LA has advocated for such applicants in the past, including cases where fee waivers were rejected several times before being approved. By amending the form to allow applicants who are separated without a formal order to apply for the fee waiver, USCIS is improving the accessibility of the fee waiver.</p> <p>Advancing Justice – LA has encountered many situations where married couples are not separated but one of the spouses is living overseas, for example where family-based immigration petitions are pending due to the visa backlog. USCIS has frequently denied fee waivers in such situations where evidence of the income of the overseas spouse was not provided. Additionally, guidance from the Internal Revenue Service states that a</p>	<p>Part 2 Part 2 – no changes necessary based on this comment</p>

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			<p>married person whose spouse is living overseas and does not have legal status in the United States should file their tax return as a single person, but the proposed instructions indicate that where a person's tax filing status is different from their marital status, they must submit evidence to explain the difference.</p> <p>Recommendation: Asian Americans Advancing Justice recommends adding a box to ask whether a spouse is living overseas and whether that spouse provides financial support to the applicant.</p> <p>[Page 2] Part 3. Information About Your Status Asian Americans Advancing Justice would like to express our concern regarding the inclusion of Questions 1 and 2 of Part 3. Under 8 CFR 103.7 (c), immigration status and class of admission are not relevant criteria to meeting the eligibility requirements for a fee waiver. In addition, information about the current status will already be provided in the application for immigration benefits being submitted with the Form I-912. Moreover, adding the two questions will only serve to confuse applicants and many will not understand how to find this information. The changes may deter indigent applicants from applying, force them to seek costly legal representation or put them at risk to seek assistance from fraudulent</p>	<p>If the spouse in the U.S. is the dependent of the overseas spouse, then the overseas spouse is the head of household and the income counts. If it is a joint tax return, then the total income counts for both of them (so it is still included). It may be different if they filed separately and neither was a dependent on the other, but the financial assistance provided by the overseas spouse would count under additional income. Therefore, no changes made.</p> <p>Part 3 USCIS will adopt this recommendation, in part, deleting the questions in part 3 relating to immigration status and will modify the language in the pertinent section.</p> <p>USCIS will retain the employment status questions as this information is relevant to the determination of inability to pay and this information is not necessarily available</p>

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			<p>immigration providers.</p> <p>Recommendation: Asian Americans Advancing Justice recommends that the proposed Questions 1 and 2 of Part 3 be removed.</p> <p>[Page 2] Part 4. Applications and Petitions for Fee Waivers. Advancing Justice recommends improving the proposed language for Question 2 of Part 4: “The following family members are filing forms together with my request for a fee waiver. If no other forms are being filed together with your request, type or print “N/A.”” The table in Line 6 of the current Form I-912 is frequently filled out improperly because applicants use it to list their children or family members even though those relatives are not applying for any immigration benefit with the applicant. This leads to confusion and unnecessary time being allocated to a section. Recommendation: Asian Americans Advancing Justice recommends amending the proposed language for Question 2 of Part 4 to “Only complete the table below if there are family members who are filing forms with you and are also seeking a fee waiver. If no family members are filing their forms together with your request, type or print “N/A.”</p> <p>[Page 3] Part 5. Means-Tested Benefit Recipients Many of the clients Advancing Justice – LA and our community partners serve have difficulty obtaining verification of benefits letters from federal, or state agencies and require assistance in explaining to social workers what information is needed in the letter. Not all public benefits have expiration dates, and many benefits are recertified annually. An expiration date or a renew-by date may be information the federal or state agency cannot provide and this would be significantly burdensome to the fee waiver requestor. Creating additional requirements will only serve to complicate</p>	<p>from information provided on other forms.</p> <p>Part 4</p> <p>The two tables were combined and clarified to only those applying for benefits.</p> <p>Part 5</p> <p>No changes will be made based on this comment. One of the requirements is that the means-tested benefit is currently being received. To clarify and avoid rejections of the fee waivers, the column was added to allow the applicant to provide the</p>

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			<p>the process for needy applicants.</p> <p>Recommendation: Asian Americans Advancing Justice recommends removing the column for “Date Benefit Expires or Must Be Renewed.” It has been our experience that some requests for the fee waiver using the current Form I-912 are rejected when they are based on state-issued rather than federal means-tested benefits. For example, we have seen denials based on California-issued “Medi-Cal” or “Section 8” benefits. The rejection letters contain standard-form language which is vague and leads to confusion for self-filing applicants who believe that their benefits are not means-tested. When Advancing Justice - LA resubmits applications and includes information from the State agency which states that the benefit is means-tested, the resubmitted application is approved. Additionally, if a different applicant applies for the fee waiver and does not include a statement from the issuing agency, the fee waiver is denied, despite the fact that USCIS has already been provided evidence regarding that benefit before.</p> <p>Recommendation: Asian Americans Advancing Justice recommends that (a) USCIS create a list of means- tested benefits issued by federal, state and local government agencies so that applicants are not unduly burdened by having to obtain and provide information from the State agency regarding the nature of the benefits; (b) the denial letters clarify specifically what that USCIS requires in order for the application to be approved so that indigent immigrants who are receiving the benefits do not think that they are being forced to pay the application fee; and (c) adjudicators at the lockbox facility receive the appropriate training on means-tested benefits, including state and local benefits, so that problems with erroneous denials do not arise regularly, as they have for our clients.</p>	<p>information.</p>

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			<p>[Page 3-4] Part 6. Income Below 150 Percent of the Federal Poverty Guidelines</p> <p>The proposed form and proposed instructions require that an applicant’s income be “Below 150 Percent of the Federal Poverty Guidelines.” We believe this is a typo that needs to be corrected.</p> <p>Recommendation: Asian Americans Advancing Justice recommends changing the proposed language to “Income at or below 150 Percent of the Federal Poverty Guidelines”</p> <p>This section should have instructions making it clear that only applicants who are applying for a fee waiver on the basis of household income have to fill out this section.</p> <p>Recommendation: Asian Americans Advancing Justice recommends adding the following text to the beginning of the section: “If you checked B in Part 1, complete this section only. Then proceed to Section 7.”</p> <p>[Page 6] Part 8. Requestor’s Statement, Contact Information, Certification, and Signature</p> <p>Asian Americans Advancing Justice would like to express concern about the addition of the proposed language “I further authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.” The language regarding enforcement may discourage applicants from applying for the fee waiver, especially if they are undocumented or live in a mixed-status household where some family members are undocumented.</p> <p>Recommendation: Asian Americans Advancing Justice recommends the removal of the proposed language regarding enforcement.</p>	<p>Part 6</p> <p>USCIS will adopt this recommendation and modify the language in the pertinent section.</p> <p>USCIS is modifying Part 1 to direct applicants to the sections applicable to each qualification.</p> <p>Form, Part 8, Requestor’s certification:</p> <p>No change will be made based on this comment. As more USCIS forms are available to be filed in an electronic, paperless environment we are enhancing forms language to combat immigration fraud as requested by federal law enforcement agencies. USCIS is also utilizing the attestation process to meet its identity-proofing and attribution requirements established for electronic identity authentication under federal law. USCIS does not believe the language is</p>

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			<p>[Page 8] Part 10. Interpreter’s Contact Information, Certification and Signature</p> <p>Advancing Justice – LA and other legal service providers sometimes utilize telephonic interpreters to assist us in the provision of our services. The new interpreter certification does section does not allow for the use of interpreters who are not physically present.</p> <p>Recommendation: Asian Americans Advancing Justice recommends adding a box to indicate that the interpretation was provided over the telephone and that the interpreter is therefore unable to sign the certification.</p> <p>Specific Comments regarding the proposed I-912 Instructions</p> <p>Removal of the current section: Which Applications and Petitions Will USCIS Consider for a Fee Waiver?</p> <p>Asian Americans Advancing Justice disagrees with the decision to remove the list of forms eligible for a fee waiver from the instructions to Form I-912. Many poor applicants do not have access to computers and/or the Internet, and many immigrants lack the education or skills required to search for information online. By removing the list of applications from the instructions, USCIS will limit access to the fee waiver.</p> <p>Recommendation: Asian Americans Advancing Justice recommends keeping the current section in future versions of the instructions.</p>	<p>overly long, repetitive or that it adds excessive burden on respondents. The language does not exceed USCIS’ authority to make requests necessary to complete case processing.</p> <p>Form, Part 10 No change will be made based on this comment. Information about who reads the form to applicant is a standard request in all new and newly-revised USCIS forms. If the applicant reads English and prepares the form and uses no translator or interpreter, then the preparer and interpreter sections can be left blank.</p> <p>The current instructions list forms for which waivers are available and that list was removed in the revised version to decrease the number of pages. In addition, listing the forms would require a form revision should USCIS decide to add or remove a form from fee waiver eligibility. Therefore, Form Numbers are being moved from the I-912 to the webpage.</p>

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			<p>Removal of the current section: Fee Waiver Request Review Process The current version of the instructions to Form I-912 includes a simple step-by-step guide to how fee waivers are adjudicated. This guide has been deemed helpful by many self-filing applicants. Recommendation: Asian Americans Advancing Justice recommends keeping the current section in future versions of the instructions.</p> <p>[Page 4] Part 5. Means-Tested Benefits Asian Americans Advancing Justice disagrees with the change in the proposed instructions whereby an applicant will no longer be able to use their child’s or grandchild’s receipt of means-tested benefits to qualify for a fee waiver. The current instructions state that parents “will not necessarily qualify” but the language in the proposed form is stated in absolute terms. A child’s receipt of public benefits is based on their household’s income, which includes the income of their parent or grandparent caretaker. It is unreasonable to preclude needy parents from a fee waiver simply because their children receive means-tested benefits. Recommendation: Asian Americans Advancing Justice recommends amending the proposed language to state, “You may use your child’s or grandchild’s receipt of means-tested benefits to qualify for a fee waiver, if the child lives with you. “</p>	<p>The revised form maintains the three step process for reviewing fee waivers. The updated form also have specific instructions for the reader that instruct the reader part by part, question by question. Therefore, no changes will made based on this comment.</p> <p>[Page 4] Part 5. Means-Tested Benefits Current policy provides that if a child or grandchild is receiving a means-tested benefit, parents or other family members will not necessarily qualify for a fee waiver. USCIS reviews the actual immigration benefit applicant’s household income for eligibility and not the income or documented lack of income a relative or minor child who lives in the home with the person filing the immigration benefit request. In addition, the language “will not necessarily qualify” has been confusing for immigration service officers to review and consider when adjudicating a fee waiver request. Therefore, USCIS clarified, consistent with the 2011 fee waiver policy memo, that the means tested benefit receipt is only for actual applicant. If the child is receiving a means tested benefit, the parent</p>

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			<p>[Page 4] Part 5. Means-Tested Benefits</p> <p>The change in the proposed instructions which states “You cannot use a parent’s means tested benefits... even if he or she is living with you, as evidence of eligibility for a fee waiver” is less clear than the language in the current I-912 instructions which includes a reference to “an elderly parent living with his or her adult child.” In addition, the proposed language is confusing because it does not refer to the age of the applicant who may wish to present evidence regarding the parent’s receipt of means-tested benefits, while an earlier portion of the proposed instructions state. “Your spouse and unmarried children under 21 years of age living with you will normally qualify for a fee waiver as part of your household if you are receiving means-tested benefits.” The two parts of the instructions are therefore conflicting.</p> <p>Recommendation: Asian Americans Advancing Justice recommends amending the proposed language to state “If you are over the age of 22 and are not a student, you cannot use a parent’s means tested benefits... even if he or she is living with you, as evidence of eligibility for a fee waiver.”</p> <p>[Page 5] Part 6. Income Below 150 percent of the Federal Poverty Guidelines</p> <p>Asian Americans Advancing Justice disagrees with the change in the proposed instructions whereby parents who live with their children must be counted as part of the household. The current instructions state that parents</p>	<p>may still apply or qualify under other income guidelines.</p> <p>[Page 4] Part 5. Means-Tested Benefits</p> <p>USCIS will adopt this recommendation, in part and will modify the language in the pertinent section.</p>

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			<p>“can be included” as part of the household but the language in the proposed form is stated in absolute terms. There are a variety of scenarios in which direct family members living under the roof do not share their income. This includes situations where adult children live with their parent, but do not share their income or provide financial support. In many immigrant communities, adult children feel culturally obliged to provide housing to their adult parents, but may not be making sufficient money to support them financially. USCIS seems to recognize this separation of finances when it states in the instructions that adult children living with their parents may not use the parent’s receipt of means tested benefits to qualify for the fee waiver. It is contradictory for USCIS to have that rule when it relates to means tested benefits, but then to require adult children to include parents as their household when income is not shared, or to have elderly parents include their children’s income when the support provided by the child does not extend beyond housing.</p> <p>Recommendation: Asian Americans Advancing Justice recommends amending the proposed language to state “Your parents who live with you and for whom you support financially.”</p> <p>Thank you for your consideration of these comments. If you have any questions or concerns about our recommendations, please contact Nasim Khansari, Citizenship Project Director at Advancing Justice – LA.</p>	<p>No changes will be made based on this comment. The instructions provide for the inclusion of family members that are dependent upon the household income.</p>
53			<p>The form’s length should be reduced The proposed Form I-912 is twice the length of the previous five-page form. Half of the new form is made up of certifications, which are longer and more detailed than the certifications in other recent forms, such as the revised I-821D DACA application, and the additional information page. Based on this version of the proposed revision, we recommend striking the “Information About Your Status” and corresponding references in Form I-912.3 We encourage USCIS to identify other strategies to shorten the length of the</p>	<p>The form has not actually grown in size in terms of data collected. The forms have been revised to add white space for easier viewing and readability, and to format questions for clarity. Form I-912 will be more user-friendly for both the public and USCIS officers, while bringing the form up-to-date to reflect current standards. The</p>

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			<p>form and eliminate redundant and unnecessary questions as well. A 10-page form may intimidate and discourage many applicants. Our organizations are concerned about the additional length because of its implications for our application workshops. We have worked for years to streamline an efficient process for assisting with applications and fee waivers. A drastically lengthened form will render our current, successful strategies unworkable and unwieldy. We will need more staff and volunteers at each workshop, and we will need to add time to trainings and workshops to cover the added inputs. Additionally, due to the form's complexity, our organizations may have to invest in more legal capacity (lawyers and BIA accredited representatives), which is expensive and inefficient. Each volunteer or staff person would need to spend more time with each individual applicant, limiting the number of applications we can process through our model.</p> <p>3 Additional comments about this section below.</p> <p>The proposed form should use clearer, less complex language Literacy correlates strongly with economic status. This means that on top of income barriers, low-income individuals who may qualify for the fee waiver tend to have low-literacy rates. An overly complex form with confusing and unnecessary inputs will undercut the goal of the fee waiver entirely, establishing yet another barrier. The Immigrant Legal Resource Center (ILRC) has thoroughly outlined in their comment the ways in which language in the proposed Form I-912 could be clearer and less complex. These recommendations generally cover our concerns with the form. In particular, we recommend that USCIS simplify language (i.e., "Family Name" to "First Name") to move away from legalese and towards terminology that will be easier for low-income immigrant</p>	<p>intent is that Form I-912 will be easier for applicants to complete and will ensure more accurate filings with required evidence and fewer rejections.</p>

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			<p>communities to understand. We urge USCIS to make all possible efforts to apply a rigorous legibility standard to this and all other forms and supplementary information.</p> <p>The form should more clearly instruct applications about which parts to complete</p> <p>The proposed I-912 deletes the directions in the current form guiding requestors to complete the section of the form that pertains to the bases of their request, e.g. “(Complete Sections 4 and 7)” on line 7.a. of the current form. We are concerned that without these directions, the revised form will lead requestors to believe that they need to complete every section of the form, including those sections that are irrelevant to the basis of their request. We suggest that Part 1 of the proposed form be moved back to follow the Part 4 (“Applications and Petitions for Fee Waivers”) and precede Part 5 (“Means-Tested Benefits”), and with each line describing the basis for the request then instructing the requestor to go to the next part of the form relevant to that basis. At the end of each of those parts, language can be added directing the requestor to go to the next relevant part, i.e. “If your request is also based on income below 150 percent of federal poverty guidelines, go to Part 6. If your request is also based on financial hardship, go to Part 7. Otherwise please go to Part 8.”</p> <p>The form should not ask about immigration status or employment status</p> <p>We strongly urge USCIS to delete Section 3 of the proposed Form I-912 altogether. This section asks for information regarding the requestor’s status. This information has no bearing on the requestor’s eligibility for a fee waiver. It also needlessly lengthens the form, as mentioned previously.</p>	<p>Parts to complete</p> <p>USCIS will adopt this recommendation and modify the language in the pertinent section.</p> <p>Status</p> <p>An applicant’s status may be relevant to whether they are eligible for a fee waiver. In response to the comment, USCIS has amended the pertinent section to clarify that if an applicant is unsure of their status,</p>

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			<p>Undocumented individuals are eligible for many of the benefits for which fee waivers are available, including TPS, SIJS, suspension/ special rule cancellation, registry, and T and U visas. Additionally, the requestor certification requires the requestor to authorize the release of any information on the form, any supporting documentation, or any other information in the requestor’s immigration file for immigration enforcement purposes. As it is, USCIS most likely has this information already in the applicant’s A-file.</p> <p>This language, combined with Section 3, will inevitably intimidate and ultimately deter many potential applicants from submitting their requests and seeking immigration benefits for which they are eligible. Even if an applicant moves forward with the application, the individual may not fully understand the complexities of his or her status. These questions may be answered erroneously, or the applicant may need to consult a legal professional, which would cause undue strain to a low-income individual. Finally, Section 3 also asks about employment status. This is irrelevant for the receipt of a means-tested benefit and for federal poverty line analyses. An individual’s employment status has no bearing on whether or not they qualify for a fee waiver if he or she meets one or both these standards.</p> <p>The form should clarify standards for proving income</p> <p>Questions 3 and 4 in Part 6 of the proposed form ask for “annual total income,” which seems to ask for the requestor’s and household members’ entire income. But then Question 5 asks for details regarding “additional income” and question 6 asks for the total. Questions 3 and 4</p>	<p>the applicant can skip the question.</p> <p>Instructions provide language for what income to provide. Language was clarified for what income is added in each box.</p>

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			<p>should be rephrased to ask for income from employment, not total income. We note that Line 10 in Section 5 of the current form asks for “monthly wage income” as distinct from the “other money received” that Line 11 asks about. In addition to these recommendations, NPNA strongly encourages USCIS to work with groups like ours to identify other strategies to shorten the length of the form, eliminate redundant and unnecessary questions, and reduce other barriers.</p>	
54		Atim Oti	<p>I am the Legal Services Director of the Immigration Legal Service program for Lutheran Family Services Rocky Mountains.</p> <p>Form Part I I urge USCIS not to change the language on the I-912 that would require applicants to include information about ALL potential grounds of eligibility for a fee waiver. Like many other not for profit legal services programs, all our clients are low income immigrants. Applicants who receive means-tested benefits have already been screened by government agencies, for both state and federal programs based on their income level, and therefore USCIS should be able to rely on these governmental determinations to make their own fee waiver decision. Moreover, requiring applicants who already have means-tested benefits to provide voluminous documentation of income, expenses, and hardship will create an undue and unnecessary burden on not for profit legal service providers. It will unduly delay these providers' the ability to serve the large number of low income immigrants who are not able to access private and competent legal services in our communities. I strongly urge USCIS to continue its longstanding policy that if an applicant receives a means-tested benefit, that is sufficient to establish eligibility for a fee waiver.</p>	<p>Form Part I USCIS will adopt this recommendation and modify the language in the pertinent section.</p>
55		Eric Garcetti	<p>I write to urge the United States Citizenship and Immigration Services (USCIS) to reconsider its proposed revisions to Form I-912, Request for</p>	<p>No changes will made based on this comment. USCIS has added standard</p>

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		City of Los Angeles	<p>Fee Waiver.</p> <p>The proposed revisions to Form I-912 will double the length of the current form – from five pages to ten – and make the process of requesting fee waivers more burdensome. Grassroots organizations that have partnered with the City of Los Angeles to help low-income Legal Permanent Residents (LPR) through the naturalization process feel the proposed application form will likely result in more applicant errors and discourage potential applicants.</p> <p>There are currently 8.8 million LPRs eligible to apply for citizenship, 350,000 in Los Angeles alone. Helping LPRs become naturalized citizens is a priority for me. It is crucial for USCIS to make simplification and clarity a priority in its application process. Given the benefits of citizenship, I strongly encourage USCIS to reconsider the proposed application to ensure that citizenship remains accessible.</p>	<p>requestor and interpreter certification sections which account for much of the increased length. The number of pages was also increased due to the added white space which is added to improve the flow and readability of the form.</p>
56		Tara Raghuvver, National Partnership for New Americans	<p>The National Partnership for New Americans (NPNA) submits the following comments in response to the notice of revisions to Form I-912 and corresponding instructions for Application for Fee Waivers and Exemption, which was most recently published in the Federal Register on March 17, 2015.</p> <p>NPNA is a national non-profit that harnesses the collective power and resources of the country’s 34 largest immigrant rights organizations in 29 states. Our aim is to achieve a vibrant, just, and welcoming democracy for all. We believe America’s success is rooted in our ongoing commitment to welcoming and integrating newcomers into the fabric of our nation, and to upholding equality and opportunity as fundamental American values. Immigrants are the soul of our organization, and immigrant communities inspire, implement, and champion our work. We strongly believe that</p>	

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			<p>immigrants should have the opportunity to gain legal status and become U.S. citizens—including those immigrants with limited means who may not be able to afford the USCIS application fees.</p> <p>Our members combine scaled service delivery with advocacy and movement building. NPNA runs coordinated campaigns to influence policy, designs programs to provide needed services, and builds capacity for our network by facilitating co-learning and by developing relationships with national partners. NPNA has led the charge to stabilize the naturalization fee and to streamline implementation of the naturalization fee waiver. Additionally, since 2012 NPNA has assisted over 68,000 applications for naturalization and DACA and over 12,700 fee waiver applications, engaging around 25,000 volunteers in the process.</p> <p><i>The proposed form should use clearer, less complex language</i> These recommendations generally cover our concerns with the form. In particular, we recommend that USCIS simplify language (<i>i.e.</i>, “Family Name” to “First Name”).</p> <p><i>The form should more clearly instruct applications about which parts to complete</i> The proposed I-912 deletes the directions in the current form guiding</p>	<p><i>The proposed form should use clearer, less complex language</i></p> <p>The current form simplifies these fields, such as Family Name (Last Name) and Given Name (First Name). The revised form does not change that. Therefore, no changes will be made based on this comment.</p> <p><i>The form should more clearly instruct applications about which parts to complete</i></p>

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			<p>requestors to complete the section of the form that pertains to the bases of their request, e.g. “(Complete Sections 4 and 7)” on line 7.a. of the current form. We are concerned that without these directions, the revised form will lead requestors to believe that they need to complete every section of the form, including those sections that are irrelevant to the basis of their request. We suggest that Part 1 of the proposed form be moved back to follow the Part 4 (“Applications and Petitions for Fee Waivers”) and precede Part 5 (“Means-Tested Benefits”), and with each line describing the basis for the request then instructing the requestor to go to the next part of the form relevant to that basis. At the end of each of those parts, language can be added directing the requestor to go to the next relevant part, i.e. “If your request is also based on income below 150 percent of federal poverty guidelines, go to Part 6. If your request is also based on financial hardship, go to Part 7. Otherwise please go to Part 8.”</p> <p><i>The form should not ask about immigration status or employment status</i> We strongly urge USCIS to delete Section 3 of the proposed Form I-912 altogether. This section asks for information regarding the requestor’s status. This information has no bearing on the requestor’s eligibility for a fee waiver. It also needlessly lengthens the form, as mentioned previously. Undocumented individuals are eligible for many of the benefits for which fee waivers are available, including TPS, SIJS, suspension/ special rule cancellation, registry, and T and U visas. Additionally, the requestor certification requires the requestor to authorize the release of any information on the form, any supporting documentation, or any other information in the requestor’s immigration file for immigration enforcement purposes. As it is, USCIS most likely has this information already in the applicant’s A-file.</p>	<p>The updated form instructions have specific instructions for the reader that instruct the reader part by part, question by question. Therefore, no changes will be made based on this comment.</p> <p>USCIS will adopt this recommendation, in part, deleting the questions in part 3 relating to immigration status and will modify the language in the pertinent section.</p> <p>USCIS will retain the employment status questions as this information is relevant to the determination of inability to pay and this information is not necessarily available from information provided on other forms.</p>

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57		Cori Hash, Human Rights First	<p>Human Rights First and its Interest in this Issue</p> <p>For over thirty years, Human Rights First—formerly the Lawyers Committee for Human Rights—has worked to ensure protection of the rights of refugees, including the right to seek and enjoy asylum. Human Rights First grounds its work on refugee protection in the international standards of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and other international human rights instruments, and we advocate adherence to these standard in U.S. law and policy.</p> <p>Human Rights First operates one of the largest and most successful pro bono asylum representation programs in the country. With the assistance of volunteer attorneys, we provide legal representation, without charge, to hundreds of asylum applicants and asylees each year. This extensive experience dealing directly with low-income refugees seeking protection in the United States is the foundation for our advocacy work, and informs the comments that follow below.</p> <p>DHS should continue its longstanding policy of allowing an applicant to assert ANY ground of eligibility for a fee waiver [Page 1, Part 1 (Basis for Your Request)]</p> <p>Human Rights First urges the Department of Homeland Security to retain the current language on the Request for Fee Waiver (Form I-912) and to not adopt the language, as proposed in Page 1, Part 1.1.A. (Basis for Request), to require applicants to include information about all potential grounds of eligibility for a fee waiver. If an applicant receives a means-tested benefit, that has been and should continue to be sufficient to establish eligibility for a fee waiver. An individual receiving a means-tested benefit has already been determined to be indigent by a local, state or federal agency. Requesting information and documentation of the individual’s financial circumstances, including income and any financial hardships, is repetitive</p>	<p>DHS should continue its longstanding policy of allowing an applicant to assert ANY ground of eligibility for a fee waiver [Page 1, Part 1 (Basis for Your Request)]</p> <p>USCIS will adopt this recommendation and modify the language in the pertinent section.</p>

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			<p>and unnecessary. It places an undue burden on the applicant or his/her legal representative to collect superfluous information and proof regarding the applicant's (and his or her household's) income, expenses and liabilities, tax returns and more to demonstrate financial hardship or income level. As applicants seeking a fee waiver are more likely to be represented by non-profit legal service providers, this additional burden will siphon away time and resources from pro bono attorneys that could better be spent assisting applicants with applications for immigration benefits. It may also discourage pro se applicants from proceeding with applications for benefits for which they cannot afford the filing fee. For example, asylees who are eligible to apply for adjustment of status may choose not to do so because they cannot afford the considerable filing fees and are unable to collect the requested financial information and documentation required for the fee waiver request on their own. On the other hand, an unrepresented asylee who receives a means-tested benefit would likely be able to complete the relevant section of the form regarding benefits received and submit a copy of the benefit grant letter on his or her own. For these reasons, Human Rights First strongly recommends the Department of Homeland Security not change this section of the form.</p> <p>DHS should continue its longstanding policy of soliciting information regarding and considering the receipt of means-tested benefits by an applicant's dependent child(ren) when determining eligibility for a fee waiver [Page 2, Part 5 (Means-Tested Benefits)]</p> <p>Human Rights First urges DHS to maintain the language in the current Request for a Fee Waiver (Form I-912) that solicited information and proof of receipt of means-tested benefits by any member of the applicant's household. Furthermore, DHS should continue to consider the receipt of any means-tested benefits by the applicant's dependent children when</p>	<p>DHS should continue its longstanding policy of soliciting information regarding and considering the receipt of means-tested benefits by an applicant's dependent child(ren) when determining eligibility for a fee waiver [Page 2, Part 5 (Means-Tested Benefits)]</p> <p>Current policy provides that if a child or</p>

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			<p>determining the applicant’s eligibility for a fee waiver. The proposed changes in Part 5 (Means-Tested Benefits) of the form eliminate the language soliciting information about the receipt of means-tested benefits by household members and instead focus solely on the receipt of benefits by the applicant’s spouse, the head of household or the applicant herself. This change excludes other members of the household who may be dependent on the applicant, including the applicant’s children. Moreover, the instructions have been altered considerably to exclude any means-tested benefits received by the applicant’s children from consideration altogether.</p> <p>This is a stark departure from the current policy and practice. Currently, any means-tested benefits received by a dependent child may be considered, although an applicant “will not necessarily qualify for a fee waiver,” on this basis alone. The regulations allow for considerable discretion by the agency in determining who may or may not qualify for an exemption from any filing or biometrics fees based on an inability to pay. 8 C.F.R. § 103.7(c),(d). Current fee waiver policy allows for the consideration of the receipt of means-tested benefits. The receipt of benefits by the individual, his or her spouse, or the head of household will generally result in the approval of a fee waiver request.¹ However, as the current form reflects, there is nothing that precludes a fee waiver based on the receipt of means-tested benefits by an applicant’s dependent child(ren) or other household members.</p> <p>Moreover, allowing for the consideration of any means-tested benefits received by the applicant’s child is sound practice. Any dependent child who seeks means-tested benefits from a local, state or federal agency must provide information regarding the income and resources of the parent(s) and other members of the household. A grant of means-tested benefits to a child indicates that the child’s household (including the applicant) has been</p>	<p>grandchild is receiving a means-tested benefit, parents or other family members will not necessarily qualify for a fee waiver. USCIS reviews the parent’s household income for eligibility. The language “will not necessarily qualify” has been confusing for immigration service officers to review and consider when adjudicating a fee waiver request. Therefore, USCIS clarified, consistent with the 2011 fee waiver policy memo, that the means tested benefit receipt is only for actual applicant. If the child is receiving a means tested benefit, the parent may still apply or qualify under other income guidelines..</p>

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			<p>determined to be indigent. Thus, the fact that a child receives benefits is relevant and important information in determining an applicant’s inability to pay and that information should continue to be solicited and considered on the I-912.</p> <p>DHS should eliminate the release of information clause in the Requestor’s Certification [Page 6, Part 8 (Requestor’s Certification)] Human Rights First strongly objects to the inclusion of the clause in the Requestor’s Certification (and Additional Requestor’s Certification) authorizing the release of information to outside individuals and agencies. The clause is unnecessary, overbroad, and likely to dissuade indigent applicants from seeking a fee waiver. Human Rights First urges DHS to remove these clauses from the Request for a Fee Waiver (Form I-912). The clause allows for the release of information contained in the request and any supporting documents to other entities and unnamed persons “where necessary for the administration and enforcement of U.S. immigration laws.” Such a clause is unnecessary as the proposed form already allows (in the prior paragraph) for the release of the applicant’s information to determine his eligibility for the benefit he seeks. This clause is also likely to dissuade many indigent applicants from seeking a fee waiver who may be working without authorization or who are afraid of providing private financial or identity information of household members without knowing to whom it could be released.</p> <p>The clause is also overbroad as it allows for the release of any information provided with the Proposed Form I-912, including private, financial information about the applicant to any individuals, private companies, other agencies or foreign governments for almost any reason. Moreover, it allows for the release of private, financial and identity information of household</p>	<p>DHS should reduce the burden on applicants to collect unnecessary information and documentation for the proposed Form I-912 [Proposed Instructions, Page 11, Paperwork Reduction Act]</p> <p>No change will be made based on this comment. As more USCIS forms are available to be filed in an electronic, paperless environment we are enhancing forms language to combat immigration fraud as requested by federal law enforcement agencies. USCIS is also utilizing the attestation process to meet its identity-proofing and attribution requirements established for electronic identity authentication under federal law. USCIS does not believe the language is overly long, repetitive or that it adds excessive burden on respondents. The language does not exceed USCIS’ authority to make requests necessary to complete case processing.</p>

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			<p>members who are not seeking any benefit from DHS and who have not consented to such a release. Such an overly broad release may violate the privacy rights of both the applicant and his or her household members. For these reasons, DHS should exclude this clause from the proposed form.</p> <p>DHS should reduce the burden on applicants to collect unnecessary information and documentation for the proposed Form I-912 [Proposed Instructions, Page 11, Paperwork Reduction Act]</p> <p>Human Rights First urges DHS to reduce the onerous burden on applicants and/or their legal representatives that is required to complete the proposed Form I-912 and provide the requested documentation. On page 11 of the Proposed Instructions, the estimated burden for completing the proposed form is listed as 2 hours. This is an inaccurate estimate of the time required for most applicants to review the form and instructions, gather the requested information and documentation from the own files, members of their household or outside entities, filling out the form and preparing it for submission. For example, applicants may have to obtain from third parties, among other things, up-to-date letters providing confirmation of receipt of means-tested benefits from the benefit-granting agency, evidence of their unemployment from a social service agency (unless they are receiving unemployment insurance benefits), proof of income, including federal tax returns, for their household members and more. This is a considerable burden on an indigent applicant and the gathering of all of the requested documentation is unnecessary to determine many applicants ability to pay. For this reason, Human Rights First urges DHS to retain the information and documentation requirements provided in the current Form I-912.</p>	<p>DHS should reduce the burden on applicants to collect unnecessary information and documentation for the proposed Form I-912 [Proposed Instructions, Page 11, Paperwork Reduction Act]</p> <p>USCIS does not believe the language is overly long, repetitive or that it adds excessive burden on respondents. The language does not exceed USCIS' authority to make requests necessary to complete case processing.</p>
58		Fred Tsao, Illinois Coalition for for	<p>The Illinois Coalition for Immigrant and Refugee Rights (ICIRR) submits the following comments regarding the proposed revision to the N-400 application for naturalization published on March 11, 2015.</p> <p>ICIRR, a coalition of more than 100 member organizations throughout the</p>	

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		Immigrant and Refugee Rights (ICIRR)	<p>state of Illinois, advocates on behalf of immigrants and refugees on the state and federal level. This work has included administrative advocacy with USCIS (and before March 2003 with INS) regarding citizenship issues. ICIRR advocated for reduction of processing backlogs, commented on proposals to increase fees, and engaged in the recent redesign of the naturalization test. In addition, we administer the New Americans Initiative, a partnership with the State of Illinois to fund local partnerships that promote citizenship, conduct outreach, and organize workshops to assist long-term legal immigrants in completing their naturalization applications. We strongly believe that immigrants should have the opportunity to gain legal status and become US citizens—including those immigrants with limited means who may not be able to afford the USCIS application fees.</p> <p><i>The proposed form is too long</i> ICIRR is concerned with the length of the proposed form. At ten pages, the revised form is more than double the length of the current I-912. Fully half of the new form is made up of certifications (which are longer and more detailed than the certifications in other recent forms, such as the revised I-821D DACA application) and the additional information page. We believe that a 10-page form might intimidate and discourage many applicants. We are especially concerned that the additional length will make application workshops, including those organized by our New Americans Initiative, unwieldy and difficult to manage. A longer form will require more time for each request and associated application, which in turn will either require more application workers at each workshop or limit how many people we can serve. ICIRR strongly urges USCIS to reconsider the length of this form and to find ways to shorten it while still accomplishing its intended functions.</p>	<p><i>The proposed form is too long</i></p> <p>No changes will be made based on this comment. USCIS has added standard certification sections which account for much of the increased length. The number of pages was also increased due to the added white space which is added to improve the flow and readability of the form.</p> <p><i>The form should provide clearer guidance regarding which parts to complete</i></p>

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			<p><i>The form should provide clearer guidance regarding which parts to complete</i></p> <p>The proposed I-912 deletes the directions in the current form guiding requestors to complete the section of the form that pertains to the bases of their request, e.g. “(Complete Sections 4 and 7)” on line 7.a. of the current form. We are concerned that without these directions, the revised form will lead requestors to believe that they need to complete every section of the form, including those sections that are irrelevant to the basis of their request. We suggest that Part 1 of the proposed form be moved back to follow the Part 4 (“Applications and Petitions for Fee Waivers”) and precede Part 5 (“Means-Tested Benefits”), and with each line describing the basis for the request then instructing the requestor to go to the next part of the form relevant to that basis. At the end of each of those parts, language can be added directing the requestor to go to the next relevant part, i.e. “If your request is also based on income below 150 percent of federal poverty guidelines, go to Part 6. If your request is also based on financial hardship, go to Part 7. Otherwise please go to Part 8.”</p> <p><i>The form should not ask about immigration status</i></p> <p>ICIRR strongly opposes the inclusion of Section 3 of the proposed form asking for information regarding the requestor’s status. This information has no bearing on the requestor’s eligibility for a fee waiver. We note that undocumented individuals are eligible for many of the benefits for which fee waivers are available, including TPS, SIJS, suspension/ special rule cancellation, registry, and T and U visas. We furthermore note that the requestor certification requires the requestor to authorize the release of any information on the form, any supporting documentation, or any other information in the requestor’s immigration file for immigration enforcement purposes. This language, combined with Section 3, will inevitably deter</p>	<p>The updated form instructions have specific instructions for the reader that instruct the reader part by part, question by question. Therefore, no changes will be made based on this comment.</p> <p><i>The form should not ask about immigration status</i></p> <p>USCIS will adopt this recommendation, in part, deleting the questions in part 3 relating to immigration status and will modify the language in the pertinent section.</p> <p>USCIS will retain the employment status questions as this information is relevant to the determination of inability to pay and this information is not necessarily available from information provided on other forms</p>

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			<p>many potential applicants from submitting their requests and seeking immigration benefits for which they are eligible. We strongly urge USCIS to delete this section from the form.</p> <p><i>The question about total income is confusing</i></p> <p>Questions 3 and 4 in Part 6 of the proposed form ask for “annual total income,” which seems to ask for the requestor’s and household members’ entire income. But then Question 5 asks for details regarding “additional income” and question 6 asks for the total. Questions 3 and 4 should be rephrased to ask for income from employment, not total income. We note that Line 10 in Section 5 of the current form asks for “monthly wage income” as distinct from the “other money received” that Line 11 asks about.</p>	<p><i>The question about total income is confusing</i></p> <p>USCIS will adopt this recommendation in part, by deleting the word “total” as these questions ask about the requestor’s annual income, not total household income.</p>
59		<p>Jose Magana-Salgado, The Immigrant Legal Resource Center (ILRC)</p>	<p>Founded in 1979, ILRC is a national resource center that provides training, consultations, publications, and advocacy support to individuals and groups assisting low-income persons with immigration matters. ILRC works with a broad array of individuals, agencies, and institutions including immigration attorneys and advocates, criminal defense attorneys, civil rights advocates, social workers, law enforcement, judges, and local and state elected officials.</p> <p>A. Comments to Eligibility for Form I-912</p> <p>1. Recommendation. 8 CFR 103.7(c)(3); Public Facing Guidance. Allow requestors who hold a valid grant of Deferred Action for Childhood Arrivals (DACA) to request a fee waiver using Form I-912 when requesting a replacement for a lost or stolen employment authorization document (EAD).</p> <p>B. Comments to Both Form I-912 and Form I-912 Instructions</p>	<p><i>Recommendation A1</i></p> <p>USCIS policy is that DACA recipients will receive no fee waivers. If a DACA recipient loses their EAD, they must pay the Form I-765 fee. If USCIS changes this policy in the future, we will note the change on our website where we list the forms eligible for a fee waiver.</p> <p><i>Recommendation B1.</i></p> <p>The current form simplifies these fields, such as Family Name (Last Name) and Given Name (First Name). The revised form does not change that. Therefore, no changes will be made based on this comment.</p>

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			<p>1. Recommendation. Form I-912 and Instructions. Swap all references to: (a) “Family Name” with “Last Name;” and (b) “Given Name” with “First Name.”</p> <p>2. Recommendation. Form I-912 and Instructions. Change “Full Name” to “Full Legal Name” throughout.</p> <p>3. Recommendation: Form I-912, Part 3, Page 2 and Form I-912 Instructions, Specific Instructions, Part 2. Strike Page I-912, Part 3, “Information About Your Status” and corresponding references in Form I-912 Instructions.</p>	<p>Recommendation B2. The basic biographic information fields on forms are standard language on forms. We see no added value in specifying that the requestors provide their “legal” name. We assume most people won't use their nicknames in a benefit request. No change made based on this comment.</p> <p>Recommendation B3. USCIS will adopt this recommendation, in part, deleting the questions in part 3 relating to immigration status and classification of admission. USCIS will retain the employment status questions as this information is relevant to the determination of inability to pay and this information is not necessarily available from information provided on other forms.</p> <p>Recommendation B4 USCIS will adopt this recommendation.</p> <p>B4. Adopted</p>

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			<p>4. Recommendation. Form I-912 Instructions, Part 6, Page 5. Make the following changes: “2. If you are applying for any immigration benefits (such as adjustment of status) based on the Violence Against Women Act (VAWA) or based on T or U nonimmigrant status under the Victims of Violence and Trafficking Protection Reauthorization Act, or you otherwise do not have access to your spouse’s income or income information because of a domestic violence situation, do not provide your spouse’s income.”</p> <p>7</p> <p>5. Recommendation. Form I-912 Instructions, Part 6, Page 6. Make the following changes: “6. If you are filing Form I-485 . . . * * *</p> <p>C. A copy of an approval notice on Form I-797, Notice of Action, for Form I-360 filed for the SIJ.</p> <p>If you include one of the above-listed forms of evidence in support of the I-912 filed for a Special Immigrant Juvenile, you do not need to submit additional evidence in support of the fee waiver request or provide information regarding your income.”</p> <p>On Form I-912, Part 6, Page 3, make the following changes: “1. I am applying for a fee waiver on behalf of, or as a Special Immigrant Juvenile (including an approved, pending, or concurrently filed Form I-360 for Special Immigrant Juvenile Status), and I have included one of the forms of evidence listed in Part 6 of the Instructions for Form I-912. <input type="checkbox"/> Yes <input type="checkbox"/> No If you checked “Yes,” you do not need to complete the remainder of Part 6.”</p>	<p>Recommendation B5. USCIS will modify language in instructions based on the recommendation.</p> <p>This question was already deleted based on other comments.</p>

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			<p>6. Recommendation. Form I-912 and Instructions. USCIS should examine a requestor’s after-tax income when comparing income to the federal poverty guidelines. Alternatively, USCIS should clarify whether, when reviewing a tax return, USCIS examines the requestor’s gross <i>or</i> net income when comparing income to the federal poverty guidelines.</p> <p>C. Comments to Form I-912</p> <p>1. Recommendation. Form I-912. Ensure that the input fields automatically resize text and employ a typeface that uses less space.</p> <p>2. Recommendation. Form I-912, Part 1, Item Number 1. Make the following changes (where “*” indicates the relevant section): “1. I am unable to pay the filing fees of the applications or petitions because (Select all the most applicable box or boxses): A. <input type="checkbox"/> I am, or my spouse, or the head of household living in my household, is currently received a means-tested benefit (<i>Complete Parts * and * only</i>). B. <input type="checkbox"/> My household income is at or below 150 percent of the Federal Poverty Guidelines (<i>Complete Parts * and * only</i>). C. <input type="checkbox"/> I have a financial hardship (<i>Complete Parts * and * only</i>).”</p> <p>3. Recommendation. Form I-912, Part 4, Item Number 1. Strike the entirety of Item Number 1 and replace with the following: “1. List the forms you are filing with this request with a number in parenthesis after each form indicating the quantity of forms you are filing. (<i>For example, ‘N-400 (2), I-130 (1), and I-765 (1).’</i>)</p>	<p>Recommendation B6. USCIS will adopt this recommendation, in part and will clarify the instructions accordingly.</p> <p>Recommendation C1. Formatting and spacing will be made consistent with USCIS form standards.</p> <p>Recommendation C2. USCIS will adopt this recommendation, in part and will modify the language in the pertinent section.</p> <p>Recommendation C3. USCIS combined the two tables into one and edited the instructions to incorporate this change.</p>

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			<p>4. Recommendation. Form I-912, Part 5, 6, and 7. Insert “(Only complete if you checked Part 1, Item Number 1.*) (where “*” indicates the relevant section previously selected) in the header of each part.</p> <p>5. Recommendation. Form I-912, Part 5. Strike the requirement that a requestor provide the “Date Benefit Expires or Must be Renewed.”</p> <p>6. Recommendation. Form I-912, Part 5. Separate “Type of Benefit” and “Name of Agency Awarding Benefit” into two separate columns.</p> <p>7. Recommendation. Form I-912, Part 5, Item Number 1 and 2. Make the following changes: “If you answer ‘Yes’ to <u>Part 1., Item Number 1.A.</u> either Item Numbers 1. or 2., provide information in the table below and attach supporting documentation. If you need extra space 1. Are you receiving any means tested benefits? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Is your spouse or head of household living with you receiving a means-tested benefit? <input type="checkbox"/> Yes <input type="checkbox"/> No”</p> <p>8. Recommendation. Form I-912, Part 6. Make the following changes:</p>	<p>Recommendation C4. USCIS made changes to adopt this recommendation.</p> <p>Recommendation C5. No changes will be made based on this comment. One of the requirements is that the means-tested benefit is currently being received. To clarify and avoid rejections of the fee waivers, the column was added to allow the applicant to provide the effective date information.</p> <p>Recommendation C6. USCIS will adopt this recommendation.</p> <p>Recommendation C7. The questions are separated to provide clarity on the different people who can receive a means-tested benefit. No changes are made.</p> <p>Recommendation C8.</p>

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			<p>“Part 6. Income <u>at or Below</u> 150 Percent of the Federal Poverty Guidelines.”</p> <p>9. Recommendation. Form I-912, Part 6, Item Number 1. Provide clearer directions regarding who to include in household size.</p> <p>10. Recommendation. Form I-912, Part 6, Item Number 5; and Part 7, Item Number 3. Strike the entirety of Item Number 5 and 3 and replace with a single input that asks requestors to input their total annual income and monthly expenses and liabilities, respectively.</p> <p>11. Recommendation (Alternate). Form I-912, Part 6, Item Number 5; and Part 7, Item Number 3. Reformat text and input fields to be more compact through the use of a table.</p> <p>12. Recommendation (Alternate). Form I-912, Part 7, Item Number 3. Strike “Rent” and replace with “Rent/Mortgage.” Strike “Mortgage” and</p>	<p>USCIS will adopt this recommendation.</p> <p>Recommendation C9. The instructions list who can be included in household size, and the form asks for all household members (and if yes to add them). No changes will be made based on this comment.</p> <p>Recommendation C10. These questions provide examples of the income that can be counted. Not all requestors know what to list. No changes will be made based on this comment.</p> <p>Recommendation C11. The size of input fields are limited by the software application used to develop the forms based on information collection mapping technology and longstanding expertise in forms design and development. They are designed to guide the applicant, reduce document content space and enhance reader experience. No changes will be made based on this comment.</p> <p>Recommendation C12. A person can both pay rent and have a</p>

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			<p>replace with “Remittances.”</p> <p>13. Recommendation. Form I-912, Part 8 and 9. Strike the entirety of Part 9. Insert the following checkbox at the bottom of Part 8: <input type="checkbox"/> This certification is for an additional requestor.”</p> <p>14. Recommendation. Form I-912, Part 9. Make the following changes: “I furthermore authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.”</p> <p>D. Comments to Form I-912 Instructions 1. Recommendation. Form I-912 Instructions, Page 2, General Instructions. Make the following changes: “Signature. Each request must . . . A legal guardian may also sign for a mentally incompetent person. A designated representative may sign if the requestor is unable to sign due to a physical or developmental disability or</p>	<p>mortgage, therefore it may be confusing for a reader to combine them. Also, remittances can be included in “Other”. No changes made based on this comment.</p> <p>Recommendation C13. Each requestor must read and sign the certification. Therefore, no changes will be made based on this comment.</p> <p>Recommendation C14. No change will be made based on this comment. This language simply acknowledges the authority USCIS already has to obtain the information it needs to adjudicate an immigration benefit request and release information as provided in our systems of records notices under the Privacy Act. Removing it from the form does not preclude the release.</p> <p>Recommendation D1. No change will be made based on this comment. See 8 CFR 103.2(a)(2) for signature requirements.</p>

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			<p>mental impairment. A photocopy of a request containing an original signature is acceptable.”</p> <p>2. Recommendation. Form I-912 Instructions, Page 2, General Instructions. Insert the following language: “Other Disclosure Information Information provided in this request is protected from disclosure to ICE and CBP for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS’ Notice to Appear guidance (www.uscis.gov/NTA). The information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of this fee waiver, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. The above information sharing policy covers family members and guardians, in addition to the requestor.”</p> <p>3. Recommendation. Form I-912 Instructions, Page 2, General Eligibility Requirements. Restore the list of forms for which a requestor can have fees waived. Alternatively, provide a direct link to 8 CFR 103.7(c)(3) and update the link to http://www.uscis.gov/i-912 to more accurately direct requestors to the list of USCIS filing fees that may be waived.</p>	<p>Recommendation D2 The commenter’s suggested language is used on Form I-821D for reasons that are specifically applicable to that form. It is not necessary for Form I-912. Information release related to the Form I-912 is covered under the Privacy Act system of records notice titled, United States Citizenship and Immigration Services Benefits Information System published in the Federal Register on September 29, 2008 at 73 FR 56596.</p> <p>Recommendation D3. The number of pages on the instructions have been minimized as much as possible. USCIS has added requestor and interpreter certification sections which account for much of the increased length. The space added also increases readability.</p> <p>The current instructions list forms for</p>

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			<p>4. Recommendation. Form I-912 Instructions, Page 2, General Instructions. Make the following changes: “Translations. If you submit . . . foreign language into English. An example certification would read “I, [<i>typed name</i>], certify that I am fluent (conversant) in the English and [<i>language</i>] languages, and that the above/attached document is an accurate translation of the document attached entitled [<i>name of document</i>].” The certification should also include the date and the translator’s signature, typed name, and address.”</p> <p>5. Recommendation. Form I-912 Instructions, Page 2, General Instructions. Allow requestors to submit foreign-language documents demonstrating receipt of means-tested benefits when those documents were produced by the official federal, state, or county government agency administering the benefit.</p> <p>6. Recommendation. Form I-912 Instructions. General Eligibility Requirements. Page 2. Bold or otherwise highlight: “For certain immigration benefits, you may have only a limited period of time in which</p>	<p>which waivers are available and that list was removed in the revised version to decrease the number of pages. In addition, listing the forms would require a form revision should USCIS decide to add or remove a form from fee waiver eligibility. Therefore, Form Numbers are being moved from the I-912 to the webpage.</p> <p>Recommendation D4. Translator certification and contact language is being added to all USCIS forms to combat immigration fraud. In the case of a requestor who is being investigated who contends that the translator entered their answers erroneously it is important to have the translator’s information. No changes made.</p> <p>Recommendation D5. Providing translations into English is a requirement under the regulations. 8 CFR103.2 (b) (3). The U.S. government agencies should be able to provide documentation in English.</p> <p>Recommendation D6.</p>

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			<p>to resubmit your application or petition with the proper filing fee.”</p> <p>7. Recommendation. Form I-912 Instructions, Part 5, Page 4. Allow receipt of a means-tested benefit by a child or grandchild as prima facie eligibility for a fee waiver. Alternatively, restore the broader language regarding this eligibility from the current version of Form I-912.</p> <p>8. Recommendation (Alternate). Form I-912 Instructions, Part 5, Page 4. Make the following changes: “You may not use your child’s or grandchild’s receipt of means-tested benefits to qualify for a fee waiver. Parents or other family members cannot qualify for a fee waiver using the child’s benefit letter. A child, as a primary or additional requestor, <i>may</i> use his or her receipt of a means-tested benefits to qualify.”</p>	<p>This language is prefaced with “Important Note” to highlight section. No changes will be based on this comment.</p> <p>Recommendation D7. Current policy provides that if a child or grandchild is receiving a means-tested benefit, parents or other family members will not necessarily qualify for a fee waiver. USCIS reviews the parent’s household income for eligibility. The language “will not necessarily qualify” has been confusing for immigration service officers to review and consider when adjudicating a fee waiver request. Therefore, USCIS clarified, consistent with the 2011 fee waiver policy memo, that the means tested benefit receipt is only for actual applicant. If the child is receiving a means tested benefit, the parent may still apply or qualify under other income guidelines.</p> <p>Recommendation D8. USCIS will adopt this recommendation.</p>

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			<p>9. Recommendation. Form I-912 Instructions, Part 5, Page 4. Make the following changes: “Part 5. Means-Tested Benefits. * * * USCIS will consider these state-funded benefits as “means-tested” benefits for purposes of this fee waiver request. USCIS will not re-adjudicate a requestor's underlying eligibility for a means-tested benefit.”</p> <p>10. Recommendation. Form I-912 Instructions, Part 6, Page 6 and 7. Make the following changes to bullet point 5 (on page 6) and bullet point 3 (on page 7): “If you do not have any income, financial support, or cannot provide evidence of income, describe your particular situation in Part 6., Item Number 8. If possible, you may submit affidavits from religious institutions, non-profits, or community-based organizations, or other third-party individuals indicating that you are currently receiving some benefit or support from them.”</p> <p>11. Recommendation. Form I-912 Instructions, Part 6, Page 7. Make the following changes: “Enter any amount of money that you receive annually that . . . in your household. <u>Only include income that you actually receive. For example, do not include child support amounts that are delinquent. Attach documentation, if available.</u>”</p> <p>12. Recommendation. Form I-912 Instructions, Page 8. Make the</p>	<p>Recommendation D9. USCIS officers do not adjudicate whether a person is eligible for a means-tested benefit, officers determine whether a requestor is currently receiving a means tested benefit. Therefore this edit may be misleading to readers. No changes made based on this comment.</p> <p>Recommendation D10. USCIS will adopt this recommendation.</p> <p>Recommendation D11. The instructions provide for inclusion of income that is received annually. The applicant may provide additional information in the space provided if he or she needs to clarify. No changes made.</p> <p>Recommendation D12.</p>

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			<p>following changes: “NOTE: If this fee . . . each person identified in Part 34., Item Number 2. Must sign the statement. Make additional copies . . .”</p> <p>13. Recommendation. Form I-912 Instructions, Part 10, Page 8. Make the following changes: “Item Numbers 1. - 6. If you used The interpreter must sign and date the request. <u>In lieu of completing and signing this section, the interpreter may provide information, through a sticker or other medium, indicating the contact information of the clinic or workshop that interpreted the request.”</u></p> <p>Form I-912 Instructions, Part 11, Page 9: “Item Numbers 1. - 8. This section must . . . along with your request. <u>In lieu of completing and signing this section, the preparer may provide information, through a sticker or other medium, indicating the contact information of the clinic or workshop that prepared the request.”</u></p>	<p>USCIS will adopt this recommendation and modify the language in the pertinent section.</p> <p>Recommendations D13 and D14</p> <p>USCIS cannot accept stickers as signatures and certifications. No changes will be made based on these comments.</p>
60		Meeran Mahmud, Asian Americans Advancing Justice (Los Angeles)	<p>Form General Comments</p> <p>The proposed Form I-912 is 10 pages long, which is double the current length. The proposed form is unnecessarily long and overly complex, will discourage many eligible, indigent applicants from applying, and will likely result in incorrect denials of fee waiver requests from applicants who qualify for it. Furthermore, Asian Americans Advancing Justice is in agreement with the comments submitted by the Immigrant Legal Resource Center and the Catholic Legal Immigration Network with respect to the undue burden of the proposed form on group processing events and the difficulty our staff and clients would face in gathering this documentation.</p>	<p>The form has not actually grown in size in terms of data collected. The forms have been revised to add white space for easier viewing and readability, and to format questions for clarity. Form I-912 will be more user-friendly for both the public and USCIS officers, while bringing the form up-to-date to reflect current standards. The intent is that Form I-912 will be easier for applicants to complete and will ensure more accurate filings with required</p>

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			<p>These concerns are outlined below: A majority of the applicants we help who apply for the fee waiver are assisted in a group processing setting at naturalization workshops and clinics. This has enabled Advancing Justice – LA and its partner organizations to help thousands of people in a more cost-effective and time-efficient manner. We are deeply concerned about how this proposed form will impact our service delivery models and deter people from applying for naturalization altogether. A 10-page form is overly burdensome to the applicant as well as for the staff and volunteers who help them and yet offers no substantial improvement in determining who is eligible for a fee waiver or in establishing which documentation will be accepted. It will greatly reduce our capacity to serve applicants.</p> <p>Many applicants face language barriers and the complexity of the new form is likely to lead to confusion and errors if completed without expert assistance. Without free services from Advancing Justice – LA and our community partners, many applicants would be discouraged and may give up applying for naturalization altogether, particularly if we were not able to advocate on their behalf regarding their eligibility for the fee waiver. A reduction in the provision of free legal services may force applicants to seek out the services of unauthorized “immigration consultants” and fall prey to erroneous legal advice or fraud.</p> <p>Recommendation: Asian Americans Advancing Justice recommends that USCIS keep the current, simpler version of the form while making improvements to the instructions and adjudication process. By keeping the form easy to understand and use, USCIS will improve accessibility to critical immigration benefits, such as naturalization.</p>	<p>evidence and fewer rejections.</p>

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			<p>[Page 1] Part 1. Basis for Your Request The proposed text requires requestors to select boxes indicating “all applicable” grounds of eligibility for the fee waiver request. The change in language from the current “any that apply” suggests that applicants will be required complete the entire form if all sections apply. This is contrary to the current policy whereby an applicant only needs to meet one of the three criteria to qualify for the fee waiver. The proposed language will make the fee waiver process unduly burdensome for both applicants as well as for USCIS adjudicators. Applicants for the fee waiver will be required to spend a greater amount of time completing the fee waiver application and gathering the necessary documentation. For instance, applicants who receive means-tested benefits have already been assessed by a government agency as being low-income and/or having financial hardships. Under the current version of the form, if an applicant provides sufficient evidence of a means tested benefit, the fee waiver request will “normally be approved and no further information will be required.” The proposed language will require such applicants to provide evidence of their income and hardships in addition to documenting the benefits they receive. The change in language, thus, will thus penalize needy applicants by making the fee waiver process more complicated and time consuming.</p> <p>Recommendation: Asian Americans Advancing Justice recommends changing “Select all applicable boxes” to “Select the box that best describes your situation.”</p> <p>[Page 1] Part 2. Information About You (The Requestor). Asian Americans Advancing Justice supports the addition of the “Other” box under the marital status category in Question 7 of Part 2. Many applicants are separated or estranged from their spouses but do not obtain a formal divorce or legal separation. The current Form I-912 does not allow</p>	<p>Part 1 USCIS will adopt this recommendation and modify the language in the pertinent section.</p> <p>Part 2 – no changes are made based on this comment</p>

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			<p>married persons who have become estranged but who do are not “legally separated” to apply for a fee waiver without including their spouse’s income. This has been an unduly burdensome requirement for applicants who are still legally married but who have been separated from their spouse for a number of years. In many cases, applicants who are separated have lost all contact with their former spouses (in particular, when that former spouse lives in a foreign country) and are simply unable to provide information regarding the estranged spouse’s income. In some cases, the spouses are separated due to domestic violence, including cases where the applicant is not applying for VAWA, T or U visa benefits as a battered spouse or child. Advancing Justice – LA has advocated for such applicants in the past, including cases where fee waivers were rejected several times before being approved. By amending the form to allow applicants who are separated without a formal order to apply for the fee waiver, USCIS is improving the accessibility of the fee waiver.</p> <p>Advancing Justice – LA has encountered many situations where married couples are not separated but one of the spouses is living overseas, for example where family-based immigration petitions are pending due to the visa backlog. USCIS has frequently denied fee waivers in such situations where evidence of the income of the overseas spouse was not provided. Additionally, guidance from the Internal Revenue Service states that a married person whose spouse is living overseas and does not have legal status in the United States should file their tax return as a single person, but the proposed instructions indicate that where a person’s tax filing status is different from their marital status, they must submit evidence to explain the difference.</p> <p>Recommendation: Asian Americans Advancing Justice recommends adding a box to ask whether a spouse is living overseas and whether that spouse provides financial support to the applicant.</p>	<p>If the spouse in the U.S. is the dependent of the overseas spouse, then the overseas spouse is the head of household and the</p>

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			<p>[Page 2] Part 3. Information About Your Status Asian Americans Advancing Justice would like to express our concern regarding the inclusion of Questions 1 and 2 of Part 3. Under 8 CFR 103.7 (c), immigration status and class of admission are not relevant criteria to meeting the eligibility requirements for a fee waiver. In addition, information about the current status will already be provided in the application for immigration benefits being submitted with the Form I-912. Moreover, adding the two questions will only serve to confuse applicants and many will not understand how to find this information. The changes may deter indigent applicants from applying, force them to seek costly legal representation or put them at risk to seek assistance from fraudulent immigration providers.</p> <p>Recommendation: Asian Americans Advancing Justice recommends that the proposed Questions 1 and 2 of Part 3 be removed.</p> <p>[Page 2] Part 4. Applications and Petitions for Fee Waivers. Advancing Justice recommends improving the proposed language for Question 2 of Part 4: “The following family members are filing forms</p>	<p>income counts. If it is a joint tax return, then the total income counts for both of them (so it is still included). It may be different if they filed separately and neither was a dependent on the other, but the financial assistance provided by the overseas spouse would count under additional income. Therefore, no changes made.</p> <p>Part 3 USCIS will adopt this recommendation, in part, deleting the questions in part 3 relating to immigration status and classification of admission.</p> <p>USCIS will retain the employment status questions as this information is relevant to the determination of inability to pay and this information is not necessarily available from information provided on other forms.</p> <p>Part 4 The two tables were combined and clarified to only those applying for benefits.</p>

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			<p>together with my request for a fee waiver. If no other forms are being filed together with your request, type or print “N/A.”” The table in Line 6 of the current Form I-912 is frequently filled out improperly because applicants use it to list their children or family members even though those relatives are not applying for any immigration benefit with the applicant. This leads to confusion and unnecessary time being allocated to a section.</p> <p>Recommendation: Asian Americans Advancing Justice recommends amending the proposed language for Question 2 of Part 4 to “Only complete the table below if there are family members who are filing forms with you and are also seeking a fee waiver. If no family members are filing their forms together with your request, type or print “N/A.”</p> <p>[Page 3] Part 5. Means-Tested Benefit Recipients Many of the clients Advancing Justice – LA and our community partners serve have difficulty obtaining verification of benefits letters from federal, or state agencies and require assistance in explaining to social workers what information is needed in the letter. Not all public benefits have expiration dates, and many benefits are recertified annually. An expiration date or a renew-by date may be information the federal or state agency cannot provide and this would be significantly burdensome to the fee waiver requestor. Creating additional requirements will only serve to complicate the process for needy applicants.</p> <p>Recommendation: Asian Americans Advancing Justice recommends removing the column for “Date Benefit Expires or Must Be Renewed.” It has been our experience that some requests for the fee waiver using the current Form I-912 are rejected when they are based on state-issued rather than federal means-tested benefits. For example, we have seen denials</p>	<p>Part 5 No changes will be made based on this comment. One of the requirements is that the means-tested benefit is currently being received. To clarify and avoid rejections of the fee waivers, the column was added to allow the applicant to provide information on the effective dates of their benefit approval.</p>

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			<p>based on California-issued “Medi-Cal” or “Section 8” benefits. The rejection letters contain standard-form language which is vague and leads to confusion for self-filing applicants who believe that their benefits are not means-tested. When Advancing Justice – LA resubmits applications and includes information from the State agency which states that the benefit is means-tested, the resubmitted application is approved. Additionally, if a different applicant applies for the fee waiver and does not include a statement from the issuing agency, the fee waiver is denied, despite the fact that USCIS has already been provided evidence regarding that benefit before.</p> <p>Recommendation: Asian Americans Advancing Justice recommends that (a) USCIS create a list of means- tested benefits issued by federal, state and local government agencies so that applicants are not unduly burdened by having to obtain and provide information from the State agency regarding the nature of the benefits; (b) the denial letters clarify specifically what that USCIS requires in order for the application to be approved so that indigent immigrants who are receiving the benefits do not think that they are being forced to pay the application fee; and (c) adjudicators at the lockbox facility receive the appropriate training on means-tested benefits, including state and local benefits, so that problems with erroneous denials do not arise regularly, as they have for our clients.</p>	<p>(a) USCIS does not have or know of a complete list of means tested benefits that would qualify the applicant for a fee waiver.</p> <p>(b) USCIS already strives to provide clear reasons for denial in its notices.</p> <p>(c) Lockbox case resolution unit employees are trained to recognize or research means tested benefits. Regardless, while USCIS has decided to make receipt of a means tested benefit one way to demonstrate inability to pay, waiving fees is always discretionary and receipt of a means tested benefit does not entitle the requestor to pay no fee. That USCIS does not recognize the subject benefit as a means</p>

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			<p>[Page 3-4] Part 6. Income Below 150 Percent of the Federal Poverty Guidelines The proposed form and proposed instructions require that an applicant’s income be “Below 150 Percent of the Federal Poverty Guidelines.” We believe this is a typo that needs to be corrected. Recommendation: Asian Americans Advancing Justice recommends changing the proposed language to “Income at or below 150 Percent of the Federal Poverty Guidelines” This section should have instructions making it clear that only applicants who are applying for a fee waiver on the basis of household income have to fill out this section.</p> <p>Part 6 Recommendation: Asian Americans Advancing Justice recommends adding the following text to the beginning of the section: “If you checked B in Part 1, complete this section only. Then proceed to Section 7.”</p> <p>[Page 6] Part 8. Requestor’s Statement, Contact Information, Certification, and Signature Asian Americans Advancing Justice would like to express concern about the addition of the proposed language “I further authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.” The language</p>	<p>tested benefit does not make the rejection or denial erroneous, it only means that the particular award letter does not meet the necessary evidentiary standard.</p> <p>Part 6 USCIS will adopt this recommendation and modify the language in the pertinent section.</p> <p>Part 6 USCIS is modifying Part 1 to direct applicants to the sections applicable to each qualification.</p> <p>Form, Part 8, Requestor’s certification: No change will be made based on this comment. This language simply acknowledges the authority USCIS already has to obtain the information it needs to adjudicate an immigration benefit request and release information as provided in our</p>

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			<p>regarding enforcement may discourage applicants from applying for the fee waiver, especially if they are undocumented or live in a mixed-status household where some family members are undocumented.</p> <p>Recommendation: Asian Americans Advancing Justice recommends the removal of the proposed language regarding enforcement.</p> <p>[Page 8] Part 10. Interpreter’s Contact Information, Certification and Signature</p> <p>Advancing Justice – LA and other legal service providers sometimes utilize telephonic interpreters to assist us in the provision of our services. The new interpreter certification does section does not allow for the use of interpreters who are not physically present.</p> <p>Recommendation: Asian Americans Advancing Justice recommends adding a box to indicate that the interpretation was provided over the telephone and that the interpreter is therefore unable to sign the certification.</p> <p>Instructions</p> <p>Removal of the current section: Which Applications and Petitions Will USCIS Consider for a Fee Waiver?</p> <p>Asian Americans Advancing Justice disagrees with the decision to remove the list of forms eligible for a fee waiver from the instructions to Form I-912. Many poor applicants do not have access to computers and/or the Internet, and many immigrants lack the education or skills required to search for information online. By removing the list of applications from the instructions, USCIS will limit access to the fee waiver.</p> <p>Recommendation: Asian Americans Advancing Justice recommends keeping the current section in future versions of the instructions.</p>	<p>systems of records notices under the Privacy Act. Removing it from the form does not preclude the release.</p> <p>Form, Part 10</p> <p>No change will be made based on this comment. Information about who translates the form for the requestor is being added to all USCIS forms. If the applicant reads English and prepares the form and uses no translator or interpreter, then the preparer and interpreter sections can be left blank.</p> <p>The current instructions list forms for which waivers are available and that list was removed in the revised version to decrease the number of pages. In addition, listing the forms would require a form revision should USCIS decide to add or remove a form from fee waiver eligibility. Therefore, Form Numbers are being moved from the I-912 to the webpage.</p>

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			<p>Removal of the current section: Fee Waiver Request Review Process The current version of the instructions to Form I-912 includes a simple step-by-step guide to how fee waivers are adjudicated. This guide has been deemed helpful by many self-filing applicants. Recommendation: Asian Americans Advancing Justice recommends keeping the current section in future versions of the instructions.</p> <p>[Page 4] Part 5. Means-Tested Benefits Asian Americans Advancing Justice disagrees with the change in the proposed instructions whereby an applicant will no longer be able to use their child’s or grandchild’s receipt of means-tested benefits to qualify for a fee waiver. The current instructions state that parents “will not necessarily qualify” but the language in the proposed form is stated in absolute terms. A child’s receipt of public benefits is based on their household’s income, which includes the income of their parent or grandparent caretaker. It is unreasonable to preclude needy parents from a fee waiver simply because their children receive means-tested benefits. Recommendation: Asian Americans Advancing Justice recommends amending the proposed language to state, “You may use your child’s or grandchild’s receipt of means-tested benefits to qualify for a fee waiver, if the child lives with you. “The change in the proposed instructions which states “You cannot use a parent’s means tested benefits... even if he or she is living with you, as evidence of eligibility for a fee waiver” is less clear than the language in the current I-912 instructions which includes a</p>	<p>Removal of the current section: Fee Waiver Request Review Process The revised form maintains the three step process for reviewing fee waivers. The updated form also have specific instructions for the reader that instruct the reader part by part, question by question. Therefore, no changes will made based on this comment.</p> <p>Page 4] Part 5. Means-Tested Benefits Current policy provides that if a child or grandchild is receiving a means-tested benefit, parents or other family members will not necessarily qualify for a fee waiver. USCIS reviews the actual immigration benefit applicant’s household income for eligibility and not the income or documented lack of income a relative or minor child who lives in the home with the person filing the immigration benefit request. In addition, the language “will not necessarily qualify” has been confusing for immigration service officers to review and consider when adjudicating a fee waiver request. Therefore, USCIS has decided, consistent with the 2011 fee waiver policy</p>

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			<p>reference to “an elderly parent living with his or her adult child.” In addition, the proposed language is confusing because it does not refer to the age of the applicant who may wish to present evidence regarding the parent’s receipt of means-tested benefits, while an earlier portion of the proposed instructions state. “Your spouse and unmarried children under 21 years of age living with you will normally qualify for a fee waiver as part of your household if you are receiving means-tested benefits.” The two parts of the instructions are therefore conflicting.</p> <p>[Page 4] Part 5. Means-Tested Benefits</p> <p>Recommendation: Asian Americans Advancing Justice recommends amending the proposed language to state “If you are over the age of 22 and are not a student, you cannot use a parent’s means tested benefits... even if he or she is living with you, as evidence of eligibility for a fee waiver.”</p> <p>[Page 5] Part 6. Income Below 150 percent of the Federal Poverty Guidelines</p> <p>Asian Americans Advancing Justice disagrees with the change in the proposed instructions whereby parents who live with their children must be counted as part of the household. The current instructions state that parents “can be included” as part of the household but the language in the proposed form is stated in absolute terms. There are a variety of scenarios in which direct family members living under the roof do not share their income. This includes situations where adult children live with their parent, but do not share their income or provide financial support. In many immigrant communities, adult children feel culturally obliged to provide housing to their adult parents, but may not be making sufficient money to support them financially. USCIS seems to recognize this separation of finances when it</p>	<p>memo, to restrict the means tested benefit receipt policy to the actual applicant. If the child is receiving a means tested benefit, the parent may still apply or qualify under other income guidelines.</p> <p>[Page 4] Part 5. Means-Tested Benefits</p> <p>USCIS will adopt this recommendation, in part and will modify the language in the pertinent section.</p> <p>Page 5] Part 6. Income Below 150 percent of the Federal Poverty Guidelines</p> <p>No changes will be made based on this comment. The instructions provide for the inclusion of family members that are dependent upon the household income.</p>

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			<p>states in the instructions that adult children living with their parents may not use the parent’s receipt of means tested benefits to qualify for the fee waiver. It is contradictory for USCIS to have that rule when it relates to means tested benefits, but then to require adult children to include parents as their household when income is not shared, or to have elderly parents include their children’s income when the support provided by the child does not extend beyond housing.</p> <p>Recommendation: Asian Americans Advancing Justice recommends amending the proposed language to state “Your parents who live with you and for whom you support financially.”</p>	

Summary of Major Comments and Response

A few commenters objected to the expanded length of the revised form and instructions, stating they believe this increases the burden on the public.

The form has not actually grown in size in terms of data collected. The forms have been revised to add white space for easier viewing and readability, and to format questions for clarity. Form I-912 will be more user-friendly for both the public and USCIS officers, while bringing the form up-to-date to reflect current standards. The intent is that Form I-912 will be easier for applicants to complete and will ensure more accurate filings with required evidence and fewer rejections.

Many commentators also suggested that the form should continue to direct applicants to the section they need to fill out based on the criteria under which they were requesting a fee waiver. Applicants are not required to provide evidence for each eligibility category and the language is updated to clarify. USCIS will modify the language in the pertinent section as suggested and note that applicants may complete the whole form if they wish USCIS to consider them for each category under which a fee waiver may be granted.

A few commentators suggested clarifications for Special Immigrant Juveniles on the household size and income inclusion. USCIS will modify the language in the pertinent section in the instructions to clarify that special immigration juveniles do not need to count a foster or group home as part of their household.

A few commentators objected to the inclusion of a section requesting the status of the applicant. That question on immigration status was added to allow the applicant identify whether not they could qualify for a fee waiver based on their status – specifically VAWA, SIJ, T and U status. The question was removed and a note was added in the instructions for the special immigrants.

A few commentators suggested to remove the column titled, “Date Benefit Expires or Must be Renewed.” No changes will be made based on this comment. One of the requirements is that the means-tested benefit is currently being received. To clarify and avoid rejections of the fee waivers, the column was added to allow the applicant to provide the information.

A commentator suggested the use of net income instead of gross income and adjusted gross income from the tax returns. USCIS adjudicates fee waivers based on total income. The language can be very confusing, but we found that the poverty guidelines and IRS use different definitions for income. USCIS does not require inclusion of income that is not required to be reported to the IRS as taxable income. USCIS will continue its policy of reviewing total income which may include the AGI on the federal income taxes and net income along with additional income as noted in the form.

A few commentators indicated that USCIS should allow a parent to use a child’s means-tested benefit for eligibility. Current policy provides that if a child or grandchild is receiving a means-tested benefit, parents or other family members will not necessarily qualify for a fee waiver. USCIS reviews the actual immigration benefit applicant’s household income for eligibility and not the income or documented lack of income of a relative or minor child who lives in the home with the person filing the immigration benefit request. In addition, the language “will not necessarily qualify” has been confusing for immigration service officers to review and consider when adjudicating a fee waiver request. Therefore, USCIS clarified, consistent with the 2011 fee waiver policy memo, that the means tested benefit receipt is only for actual applicant. If the child is receiving a means tested benefit, the parent may still apply or qualify under other income guidelines.

A few commentators suggested to reinstate the list of forms eligible for fee waivers. The current instructions list forms for which waivers are available and that list was removed in the revised version to decrease the number of pages. In addition, listing the forms would require a form revision should USCIS decide to add or remove a form from fee waiver eligibility. Therefore, form numbers are being moved from the I-912 to the webpage. We believe the commenters concerns will be addressed by putting the fee waiver eligible forms on the USCIS website following 8 CFR 103.7(c), which also reduces the form instruction and form length and streamlines updates when necessary.

Commenters also suggested benefit requests that they feel should or should not qualify for fee waivers. No new fee waivers are added in this form revision.