BOARD OF SUPERVISORS

November 26, 2018

Ms. Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS Office of Policy and Strategy
20 Massachusetts Avenue, NW
Washington, DC 20529-2140

RE: Docket ID USCIS-2010-0008; OMB Control Number 1615-0116 –*Fee Waiver Eligibility Criteria to Form I-912*

The Alameda County Board of Supervisors in California appreciates the opportunity to comment on the above-referenced proposed revision published in the Federal Register on September 28, 2018.

Alameda County strongly opposes this proposal as it will impose a significant burden on individuals applying for immigration benefits and it will negatively impact our communities. The increased requirements and additional evidence to be collected from applicants on the proposed amended Form I-912 will extend the time and work required for applicants to complete (and adjudicators to process) the form. Alameda County believes reasonable access to fee waivers are critical to ensuring our constituents have access to relief from undue burden.

Alameda County is home to 1.67 million residents and is the seventh most populous county in California. Alameda is the most diverse county in the Bay Area and the fourth most diverse in the United States, and is home to over half a million immigrants who live, work, attend school, vote and engage in everyday activities in our communities. Nearly 1 in 3 Alameda County residents (32%) is an immigrant. This represents at least 526,124 naturalized U.S. citizens, lawful permanent residents, temporary migrants, humanitarian migrants, and other foreign-born residents who were not U.S. citizens at birth. Requiring additional documents will serve as a deterrent to applying for immigration benefits and naturalization.

The current Form I-912 indicates longstanding USCIS guidance on the three bases used to determine eligibility for a fee waiver: receipt of a means-tested benefit; low income (as defined by income at or below 150 percent of the Federal Poverty Guidelines); or financial hardship. Currently, an applicant only needs to meet one of these criteria to qualify. As drafted, the proposal doubles the length of Form I-912, from five pages to ten pages. It also proposes to remove the receipt of means-tested benefit as a basis for the fee waiver request, leaving only income and

financial hardship eligibility, and requires documentation showing when benefits expire or must be renewed. This change would impose a needlessly long and complex process, that will burden the most vulnerable and lowest income residents in our communities. Furthermore, means-tested benefits as a base is more efficient to determine eligibility than relying solely on the income and financial hardship eligibility because recipients of means-tested benefits have met the strict requirements and demonstrated their qualification.

Alameda County further opposes these proposed changes as it will discourage eligible individuals from filing for fee waivers at a time when the naturalization fee has gone up 600% over the last 20 years, pricing many green card holders out of U.S. citizenship. These proposed revisions will create insurmountable barriers for those seeking to secure their immigration status, be together in their communities, and naturalize so that they can participate fully in American life and be civically engaged.

We urge the USCIS, rather than implement the proposed rule change, to work instead to expand the types of documentary evidence accepted to establish eligibility for a fee waiver in order to ensure the fair and efficient adjudication of immigration benefits and naturalization. The County urges the USCIS to reject the proposed revision and to maintain the means-tested benefit category of eligibility for fee waivers.

Sincerely,

Keith Carson
Supervisor, District 5
Chair, Board of Supervisors'
Personnel, Administration, Legislation Committee

Wilma Chan
Supervisor, District 3
President, Board of Supervisors

c: Other Members, Board of Supervisors