



December 11, 2019

Samantha Deshombres, Chief
Regulatory Coordination Division, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140

Submitted via www.regulations.gov

Re: **DHS Docket No. USCIS-2019-0010, RIN 1615-AC18**
Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements

Dear Ms. Deshombres:

I write to you on behalf of Esperanza Health Centers, a Federally Qualified Health Center that provides primary care, behavioral health services, and wellness programs to impoverished, majority-Latino communities on Chicago's medically underserved Southwest side. I greatly appreciate the opportunity to comment on the Department of Homeland Security (DHS) proposed rule on Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements.

As you know, the proposed rule, if enacted, will dramatically raise USCIS application fees in many critical immigration categories, including naturalization (increased by 83%) and adjustment of status (increased by 79%). In addition, the rule eliminates fee waivers for nearly all applications. While I understand USCIS's need to increase revenue in order to meet its operational costs, this proposed rule would, in essence, create a wealth test for those who seek permanent legal status in the United States, including citizenship. As I trust you appreciate, **such an approach is deeply antithetical to core American values**, and I urge you to reconsider this approach.

Because of my background and education, I have both a personal and professional interest in this issue. I have worked in the field of community health throughout my career, but for the past 17 years I have been proud to work in Chicago's Little Village neighborhood. This vibrant community of Latino immigrants is often referred to as the "Capital of the Mexican Midwest" because of the number of flourishing businesses set up here by immigrants from Mexico and their descendants. Through my knowledge of the community and my education in public health, I know just how harmful these policy changes could be for the community I serve as well as for the U.S. as a whole.

The Department's Justification for the Proposed Rule

As explained in the preamble to the proposed rule, USCIS's biennial fee review showed that current fees are inadequate to recover the full cost of providing adjudication and naturalization services. Facing this predicament, the Department envisions only three options, also enumerated in the preamble: 1) reduce projected costs, 2) use carryover funds or revenue, and 3) adjust fees. The Department has chosen to pursue option three. Surprisingly, the Department does not appear to have considered a key fourth

option: to increase agency efficiency and reduce waste. Given USCIS's performance over the past several years, described below, it would seem to make better sense to first "clean house" before considering substantial fee increases and elimination of fee waivers.

As you know, USCIS fees have increased significantly since 2010, yet the Service's processing times, backlogs, and customer service have not shown any associated improvement. In fact, processing times before USCIS have increased more than 6000 percent since 2010.¹ Furthermore, the average case processing time has increased by 91% between 2014 and 2018 alone.² Making matters worse, with this proposed rule the Department would add additional workload to USCIS case handling, as the Service will now determine all petitioner income calculations itself. I struggle to understand the justification for adding this administrative burden to an organization already stretched excessively thin, then expecting applicants to foot the bill.

The proposed rule also envisions transferring \$207.6 million *away* from USCIS to the Immigration Customs and Enforcement (ICE), a perplexing choice in the face of the projected USCIS shortfall. The Department's justification for this giveaway – that ICE enforcement and support positions "support immigration adjudication and naturalization services" – amounts to little more than circular reasoning. It is difficult to accept that the Department's only viable method to meet its shortfall is through raising applicant fees when it voluntarily gives away a small fortune.

The Economic Effect on our Nation

No matter the intention behind the proposed rule, the effect of its implementation is undeniable: significantly fewer individuals will be able to afford to adjust their immigration status to become green card holders or citizens. Ample evidence suggests that USCIS's current fee structure is already a meaningful deterrent to potential applicants; one recent study found that the cost of filing petitions is the main obstacle for 18% of Latino immigrants.³ Increasing fees so substantially while eliminating nearly all fee waivers will deter even more people from seeking permanent legal status.

Let me take a moment to focus on the enormous benefits to our nation that will be squandered when naturalization numbers fall, as they will if this rule goes into effect. As you surely know, naturalization brings net economic gain to America. One recent study from the Urban Institute, looking at 21 cities across the country, determined that naturalized individuals see their earnings increase by an average of 8.9%⁴ (this finding mirrors a 2012 study by the Center for Study of Immigrant Integration, which found earnings increased between 6 percent and 14 percent.⁵). The study also shows that naturalization increases employment and home ownership rates. In short, naturalization is a key step to immigrants' self-sufficiency. I hasten to point out that when the Department issued its recent public charge rule, its primary justification was to ensure new immigrants remain on the path to self-sufficiency – yet by

¹ *Policy Changes and Processing Delays at U.S. Citizenship and Immigration Services: Hearing before the House Subcomm. on Immigration of the H. Comm. On the Judiciary*, 116th Cong. (2019) (joint written testimony of Don Neufeld, Associate Director, Service Center Operations Directorate, USCIS, and Michael Valverde, Deputy Associate Director, Field Operations Directorate, USCIS).

² Am. Immigr. Law. Assoc., AILA Policy Brief: *USCIS Processing Delays Have Reached Crisis Levels under the Trump Administration* (2019)

³ *The Road to Naturalization: Address the Barriers to U.S. Citizenship*. National Migration Forum, September 2016

⁴ Enchautegui, Maria and Giannarelli, Linda. *The Economic Impact of Naturalization on Immigrants and Cities*. Urban Institute, December 2015

⁵ Pastor, Manuel, and Justin Scoggins. 2012. *Citizen Gain: The Economic Benefits of Naturalization for Immigrants and the Economy*. Los Angeles: Center for Study of Immigrant Integration, University of Southern California

exorbitantly raising naturalization fees and eliminating fee waivers, **the Department puts an immovable roadblock in that very path.**

The Urban Institute study also reveals the powerful, broad-based economic effects of naturalization. The authors conclude that if eligible individuals naturalized in the 21 cities they studied, those municipalities would see a **cumulative tax revenue increase of \$2.03 billion**. At the same time, naturalization would result in an **overall decrease in the cost of six core public benefits**: child care subsidies, TANF, WIC, SNAP, housing assistance, and LIHEAP. The conclusion is obvious: the Department should find ways to encourage and support those who are eligible to become U.S. citizens, rather than placing barriers in their way. The latter robs America of its full potential for growth.

Finally, increasing fees to such a great extent may have the opposite of its intended effect; rather than raising revenue for USCIS, the resulting decrease in applications may in fact decrease overall revenue.

Given the extraordinary benefits to our nation that naturalization brings – increasing employment rates, home ownership, and tax revenues while shrinking public benefits costs – the Department pursues a counterintuitive course in making naturalization (as well as myriad other immigration benefits) more difficult to obtain, and well beyond the reach of working-class individuals. Therefore I urge you to withdraw the rule in its entirety.

Let me suggest an alternative course. The Department should appeal to the United States Congress to appropriate funds to make up for any loss in fees that USCIS might incur. **Congress has called upon USICS to keep the pathway to citizenship affordable and accessible.**⁶ In light of the economic benefits that naturalized citizens bring to this nation, is time for the Department to make it clear that Congress must play a greater role in supporting those who seek to become U.S. citizens.

Please feel free to contact me if you have any questions or would like any additional information.

Sincerely yours,



Daniel C. Fulwiler, MA, MPH
President and CEO

⁶ H. Rep. No. 115-948 accompanying H.R. 6776, the Department of Homeland Security Appropriations Act (2019).