



Seattle
Office of Immigrant and
Refugee Affairs
Hamdi Mohamed, Director

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Department of Homeland Security
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Washington, D.C. 20529-2140

RE: DHS Docket No. USCIS 2021-0010; RIN 1615-AC68 U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements

Dear Chief Deshombres:

The City of Seattle ("City") respectfully submits this comment on the proposed U.S. Citizenship and Immigration Services (USCIS) Fee Schedule rule ("Rule") published on January 4, 2023.

The new Rule, subject to public comment, proposes a 40-percent overall weighted average increase in immigration fees. We oppose the proposed fee schedule on the grounds that it would limit people's ability to both apply for lifesaving legal protections and advance in the immigration process. The Rule will disproportionately impact low-income and working communities seeking green cards or family reunions through non-immigrant petitions and employment-related visas.

I. The City of Seattle's interest in the proposed Fee Schedule.

The estimated total population of Seattle is 730,400 people, and of those, the latest United States Census statistics estimate that 18 percent, or around 131,472 individuals, are foreign-born.¹ Twenty-four percent of King County residents were born outside the United States, significantly higher than the national average of 14 percent. Of these immigrants, the majority contribute to Seattle's economy, whether by starting successful small and large businesses, paying taxes, or working in one of the many local industries that support both the local and the national economies.

¹ See <https://www.census.gov/quickfacts/fact/table/seattlecitywashington.US/PST045217>

Due in large part to the above statistics, and because Seattle embraces its identity as a welcoming city, the City government has made great efforts to protect our immigrant and refugee workers and families. In this role, the City manifests its core value of providing infrastructure, goods, and services for all residents, but especially for vulnerable, disabled, and marginalized people.

The City of Seattle created the Office of Immigrant and Refugee Affairs (OIRA) in 2012 to improve the lives of Seattle's immigrant and refugee families. Through OIRA, the City of Seattle funds and coordinates two naturalization programs called the New Citizen Campaign (NCC) and the New Citizen Program (NCP) to help an estimated 75,000 Seattle-area legal permanent residents ("LPR") become U.S. citizens. Since its inception in 1997, NCP has served over 19,000 people, provided naturalization assistance to over 12,300 LPRs, successfully naturalized 9,500 LPRs, and provided over 90,000 hours of citizenship instruction. NCC works with community partners to co-host events called citizenship clinics and citizenship workshops all over Seattle that have to date served 1,843 LPRs.

II. The proposed rule change will reduce the number of eligible individuals applying for naturalization or certificate of citizenship.

The Proposed Fee Schedule would increase the cost of filing Form N-400, Application for Naturalization, for most applicants from \$725 to \$760. For elderly applicants who do not need to provide biometrics for the naturalization application, the increase would be even greater—from \$640 to \$760. In addition, while we note that that for most applicants, the Reduced Fee for the Form N-400 would decrease from \$405 to \$380, for elderly applicants who do not need to provide biometrics, this fee would increase from \$320 to \$380.

Seattle OIRA is greatly concerned about the impact of the foregoing increases on lawful permanent residents who wish to pursue their dream of U.S. citizenship, particularly for elderly naturalization applicants. Additionally, we strongly oppose the proposed increase in the cost of Forms N-600 and N-600K, the applications frequently used by parents to obtain documentation of their children's U.S. citizenship status. The fees for these applications would increase from \$1,170 to \$1,385, an 18 percent increase. The existing fees are already too high, and do not seem warranted for the many cases where determining whether the certificate should be issued appears to be a relatively simple process. The increase would impose even greater burdens on parents seeking these documents.

III. Steep fee hikes for family-based and employment-based green cards would harm Seattle residents.

USCIS now proposes to increase the cost to apply for a family-based green card by as much as 130 percent, going from \$1,760 to over \$3,640 for many family-based cases when including the mandatory, I-130 Petition for Alien Relative. Adjustment of status applications would no longer benefit from one bundled fee for the Form I-485, I-131 (Application for Travel Document), and I-765 (Application for Employment Authorization), which may lead to many individuals opting to file their green card applications without applying for either employment authorization or a travel document. Further, the fees for any accompanying child for this process would no longer be reduced and instead mirror the cost for an adult application. Other fees set to increase include the Form I-130, Petition for Alien Relative (from \$535 to \$720 or 53 percent), and Form I-765, Application for

Employment Authorization (from \$410 to \$640 or 59 percent increase), fees applicable to numerous immigration processes.

Seattle's recent massive growth² has undoubtedly had consequences, as this city has one of the highest costs of living in the U.S., driven primarily by housing costs. According to the Council for Communities and Economic Research, Seattle was the eighth most expensive place to live in the country in 2022³. Its high median income creates challenges for families with incomes below this threshold, transitioning between jobs, or in the process of immigrating. Immigrants that work at minimum wage jobs face substantial hardships getting their basic needs met, even with one of the highest minimum wages in the country. According to the National Low Income Housing Coalition, a minimum-wage worker in King County would need to work 90 hours each week to afford a typical one-bedroom apartment⁴. For the thousands of immigrant residents in the city who earn the current minimum wage, applying for a green card would require almost full month's pay, forcing families to choose between providing their basic needs and pursuing an immigration benefit.

IV. The proposed rule raises digital equity concerns.

Under the proposed rule, filing fees for certain online applications would be lower than paper-based applications to "encourage continued use of online filing at the same or a higher rate after the pandemic." For example, USCIS proposes a new filing fee of \$555 for employment authorization applications filed online and \$650 for paper-based applications. The I-130 Petition for Alien Relative has a proposed fee of \$710 if filed online and \$820 for paper-based applications. While DHS recognizes that this increase in online filing versus paper filing was likely due to the pandemic, this online cost "incentive" presupposes that applicants have reliable access to and a clear understanding of navigating the Internet. In Seattle, the 2018 Technology Access and Adoption Study showed that older residents, those with disabilities, Black, Indigenous, and People of Color (BIPOC) residents, and those for whom English is not their primary language are less likely to have access to the Internet compared with other groups, and 23 percent of residents reported barriers that limit their Internet use, such as lack of affordability and slow or unreliable service.⁵

Despite positive steps being taken to expand broadband access to more Seattle residents through legislation and programming, our City recognizes that digital equity continues to be a resource gap, in particular, for many of our immigrant and refugee communities. Therefore, impacted individuals who are pursuing an immigration process should not be obligated to pay a premium for circumstances that are beyond their control.

V. The 2020 Fee Schedule should be formally withdrawn.

Separately, we request that USCIS formally withdraw the 2020 USCIS Fee Schedule and Immigration Benefit Request Requirements (CIS No. 2627-18; DHS Docket No. USCIS-2019-0010, Aug. 3, 2020) (the "2020 Fee Schedule"). The 2020 Fee Schedule never went into effect because it has been subject

² See <https://www.geekwire.com/2021/census-data-shows-seattles-population-surge-last-decade-fueled-part-tech-job-growth/>

³ See <https://www.coli.org/2022-annual-average-cost-of-living-index-released/>

⁴ See <https://nlihc.org/oor/state/wa>

⁵ See <http://seattle.legistar.com/View.ashx?M=F&ID=8709933&GUID=F3E38566-9534-4EBE-AB0B-3487692FBB8C>

to a preliminary injunction issued in *ILRC v Wolf*, Case No. 20-cv-05883-JSW (N.D. Cal., Sept. 29, 2020).

However, USCIS has never formally withdrawn the 2020 Fee Schedule, and there is no final judgment in the *ILRC v. Wolf* matter, which has been stayed pending the results of the current proposal. The current proposal appropriately removes many of the objectionable features contained in the 2020 Fee Schedule, such as the unprecedented new fee for asylum applications and the elimination or restriction of fee waivers.

The current proposal reflects a considered policy judgment on the part of USCIS that those features of the 2020 Fee Schedule are undesirable as a policy matter and are inconsistent with the goals of the federal immigration laws. However, we anticipate that the current fee proposal will also be subject to judicial review after it is adopted. If, for any reason a court were to find that some portion of the new fee proposal is unlawful, the result should not be a return to the 2020 Fee Schedule. Rather, by formally withdrawing the 2020 Fee Schedule, USCIS can assure that the result would be a return to the current status quo, which is the 2016 Fee Schedule now in effect. Also, USCIS should state that its withdrawal of the 2020 Fee Schedule is severable from the remainder of the current proposal, so that any judicial invalidation of any portion of the current proposal would not endanger the lawful and appropriate decision to withdraw the 2020 Fee Schedule.

VI. Conclusion

The City of Seattle Office of Immigrant and Refugee Affairs urges U.S. Citizenship and Immigration Services to ensure that immigration and naturalization remain accessible and affordable for our nation's current and prospective lawful permanent residents, and we urge you to take these comments into account as you move to finalize the fee schedule.

Sincerely,



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