

November 26, 2019

Ms. Samantha Deshommes, Chief
Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Av NW
Washington, DC 20529

Submitted via www.regulations.gov

**RE: U.S. CITIZENSHIP AND IMMIGRATION SERVICES FEE SCHEDULE, DHS DOCKET
NO. USCIS-2019-0010; RIN 1615-AC18**

Dear Chief Deshommes:

On behalf of Menlo College, I write to submit a comment in response to U.S. Citizenship and Immigration Services' (USCIS) proposed rule, *Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements*, published on November 14, 2019. Specifically, I request that USCIS withdraw all provisions that make immigration benefits less accessible to low-income and vulnerable immigrants, especially current and prospective students and their families.

Menlo College is located in Atherton, California. We have 900 students, employ 200 faculty and staff, and have an annual budget of almost \$45 million. Almost one-third of this year's entering class are first-generation students, and 25% of our students are citizens of countries outside of the U.S. As you are likely aware, 28.5% of U.S. DACA recipients are in the state of California, and we enroll DACA recipients from California here at Menlo College every year.

The proposed increases exacerbate the already high cost of applying for an immigration benefit, from beginning to end. The proposed fee schedule also disproportionately increases fees and eliminates fee waivers for benefit categories most commonly used by low-income and vulnerable immigrants, especially students and their families, leaving essential immigration benefits accessible primarily to the affluent. These unwarranted changes would result in financial hardship for immigrant and mixed-status families, immigrants delaying or losing immigration status due to financial considerations, and increased dependence on debt to finance applications.



I was also dismayed to see that USCIS struck language from its resources regarding its commitment to customer service. USCIS has not utilized previously paid filing fees to improve USCIS' efficacy, and immigrants should not be expected to bear a significant increase in fees without corresponding improvement in processing times, backlogs, and customer service.

Our institution strongly opposes the proposed 55% increase in DACA fees. We oppose this proposed increase as it represents a significant barrier that will reduce the number of DACA recipients who will successfully obtain DACA renewal and participate and complete their higher education. We urge USCIS to maintain the current total cost of \$495. At a time when immigrants and children of immigrants are projected to be a primary source of future U.S. labor force growth and our nation faces growing skills shortages, the proposed fee increases would be an impediment to immigrant students' success and detrimental to our national economic prosperity.

Menlo College opposes USCIS' attempt to significantly increase naturalization fees on low-income immigrant students and families. As educators working with low-income immigrant students, we see first-hand the benefits of social and economic mobility for our students, alumni, and their families. Encouraging and lowering the barriers to those eligible for permanent residency and citizenship is an important element of this integration, which strongly benefits our campuses, communities, and economy in the long-term. Naturalization is a key driver in allowing immigrants to fully integrate into our society and economically contribute to our country. Naturalization boosts individual earnings by upwards of 11 percent, leading to upwards of \$45 billion in increased cumulative earnings over a decade (see <https://dornsife.usc.edu/csii/citizen-gain/>).

The fee schedule proposes to eliminate filing fee waivers for all categories except those that are statutorily required. We oppose this proposed change. The fee schedule would make essential benefits such as citizenship, obtaining a green card, and employment authorization inaccessible for low-income immigrants, especially students. Fee waivers help families to improve their stability, financially support themselves, and fully integrate into their communities while allowing them to allocate funds for their higher education. In recognition of the benefits of naturalization (one of the form types most frequently associated with fee waiver requests), Congress called on USCIS to keep the pathway to citizenship affordable and accessible.

I encourage DHS to conduct a thorough cost-benefit analysis, including the economic costs of raising the barriers to naturalization through long-term reduced economic and social mobility of these immigrant populations.



Further, USCIS' proposed increase for DACA renewals represents a significant financial barrier that will dramatically lessen DACA renewal applications. The Migration Policy Institute (MPI) concluded that even the current renewal fee "remains a barrier to DACA renewal." (see <https://www.migrationpolicy.org/research/daca-three-year-mark-high-pace-renewals-processing-difficulties-evident>). Nearly half of DACA holders received financial assistance from family or others to pay DACA fees. DACA holders have consistently shared that the recurring renewal fee is a "large financial burden," with over a third of applicants delaying applying for DACA for an average of three months while they saved additional funds. Over 50% of DACA holders stated that even the previous \$465 filing fee was "a financial hardship on themselves or their families."

Approximately 35% of DACA eligible individuals live in families with incomes less than 100% of the federal poverty level; and two-thirds live in households with incomes less than 200% of the federal poverty level (see <https://www.migrationpolicy.org/research/deferred-action-childhood-arrivals-one-year-mark-profile-currently-eligible-youth-and?>). Moreover, over two-thirds of DACA holders support their families financially, further depleting available funds for renewal of DACA. The above economic and fiscal data demonstrate that the fee increase will depress and discourage renewal application numbers.

The continued financial accessibility of DACA is essential for students to continue and complete their education and establish new careers. Of the DACA recipients who indicated they were enrolled in school, 93% indicated that because of DACA they pursued educational opportunities that they previously could not. DACA recipients utilized DACA to move up the mobility ladder, according to findings from the National UnDACAmented Research Project.

The proposed increase in fees, which as stated above will depress the number of DACA renewals and approvals, will reduce the number of DACA recipients who can enter, continue, and complete their higher education. DACA's accompanying employment authorization is an invaluable tool for students to generate income to pay for tuition, school expenses, nutrition, and ancillary costs associated with higher education.

The proposed increase in fees, especially for DACA, asylum, adjustment of status, and naturalization, would represent a significant financial burden on low income immigrants who would be eligible to apply. The proposed fees would likely discourage these individuals from seeking all kinds of support that would help them in their application process. This can include legal assistance, citizenship classes, ESL classes, and other kinds of support. Beyond the adverse consequences on the impacted immigrant populations, the proposed rule will also impact our students who gain invaluable experiential learning opportunities through programs and clinics designed to support low-income populations in our community.



Importantly, USCIS is under three district court orders that preliminary enjoin USCIS from rescinding DACA; and require USCIS continue to accept renewal requests and continue to implement DACA in a manner *identical* to before the rescission date. As the court in *Regents* ordered, the preliminary injunction directed USCIS to “to maintain the DACA program on a nationwide basis on the same terms and conditions as were in effect before the rescission on September 5, 2017, including allowing DACA enrollees to renew their enrollments”¹ The court in *Batalla* similarly stated that USCIS was directed to “maintain the DACA program on the same terms and conditions that existed prior to the promulgation of the DACA Recission Memo.”² A 55% increase in fees would likely establish insurmountable economic barriers for applicants seeking to renew their DACA. For these individuals, an unaffordable fee increase would likely represent a constructive denial for their renewal applications, violating the spirit and text of the three preliminary injunctions.

For the reasons provided above, USCIS should promptly withdraw the provisions of its proposed fee schedule that would make immigration benefits less accessible to hard-working students, families and vulnerable migrants.

Thank you for the opportunity to submit comments on the proposed fee schedule. Please do not hesitate to contact me at steven.weiner@menlo.edu or at (650) 543-3927.

Sincerely,

Steven A. Weiner
President
Menlo College

¹ United States District Court for the Northern District of California, *Regents of Univ. of Cal. v. DHS*, 279 F. Supp. 3d 1011 (N.D. Cal. 2018) available at <https://www.nilc.org/wp-content/uploads/2018/01/Regents-v-DHS-prelim-injunction-2018-01-09.pdf>. The other two preliminary injunctions contained a similar directive

² Eastern District of New York, *Batalla Vidal v. Nielsen*, 279 F. Supp. 3d 401 (E.D.N.Y. 2018) available at <https://www.nilc.org/wp-content/uploads/2018/02/Batalla-Vidal-v-Nielsen-updated-pi-order-2018-02-13.pdf> (see page 53).