



WHITMAN COLLEGE

Office of the President

December 17, 2019

Submitted via www.regulations.gov

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

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

Dear Chief Deshommes:

On behalf of Whitman 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. We write to express our concern about a number of the fee and policy proposals in the proposed fee schedule, and 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.

As a higher education leader, I am committed to ensuring that all students are given the opportunity to succeed in school and contribute their talents to our nation's workforce and economy. That is why I am especially concerned that the proposed USCIS fee schedule disproportionately increases fees and eliminates fee waivers for benefit categories most commonly used by low-income and vulnerable immigrants, especially students and their families — students who make important contributions to colleges across the country, including Whitman's campus. 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.

Whitman College is a small, residential, liberal arts college in Eastern Washington. Low-income students constitute 12 percent of the student population; almost 9 percent of our students are international students, and another 8 percent are Hispanic or Latino. We are located in Walla Walla, Washington — a town of 33,000 where nearly a quarter of the population is Hispanic or Latino.

Colleges like Whitman serve as key generators of social and economic mobility for all students in our country. It is well documented that immigrant and low-income students especially benefit from the transformative power of higher education. As educators, we feel the proposed fee schedule would harm

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our immigrant students who are seeking to improve their lives and communities through the pursuit of higher education.

The proposed changes would also decrease involvement of qualified legal assistance (e.g. as immigrants would have to choose to spend their limited funds on filing fees instead of representation) resulting in difficult and inefficient USCIS processing and adjudication, among other problems. These increases do not reflect the costs that applicants must endure when securing and compensating legal counsel to assist in preparing time consuming and complicated immigration petitions. Immigration fees can range from \$250 to upward of \$10,000, with many petitions hovering around \$1,000.¹ Thus, the proposed increases exacerbate the already high cost of applying for an immigration benefit, from beginning to end.

Generally, our institution *strongly* opposes USCIS' proposal to increase the total fees for Deferred Action for Childhood Arrivals (DACA) to \$765, up from \$495, a total increase of 55 percent. USCIS proposes increasing the fee to file Form I-765 to \$490 from \$410; and Form I-821D from \$0 to \$250. USCIS will maintain the current \$85 biometrics fee. We urge USCIS to maintain the current total cost of \$495. 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, further discussed below.

We describe below how some of these changes will impact our institution, students and those we serve; and the reasons for our opposition. 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.

1. Proposed Increase in Naturalization Fees and Elimination of Fee Waiver Will Deter Eligible Applicants from Applying for Naturalization

Proposed Fee Schedule will deter low-income immigrant students and family members from applying for naturalization. This will result in reduced social and economic mobility for students and reduced long-term contributions to our communities and economy.

Whitman 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. For example, naturalization boosts individual earnings by upwards of 11 percent, leading to upwards of \$45 billion in increased cumulative earnings over a decade.²

¹ Liz Daneau, *Is An Immigration Lawyer Worth The Cost?*, Feb. 2, 2016, available at, <https://www.alllaw.com/articles/nolo/us-immigration/lawyer-worth-cost.html>.

² Manuel Pastor and Justin Scoggins, *Citizen Gain: The Economic Benefits of Naturalization for Immigrants and the Economy*, Center for the Study of Immigrant Integration, University of Southern California, Dec. 2012, <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. Because of the benefits of naturalization—one of the form types most frequently associated with fee waiver requests,³ Congress called on USCIS to keep the pathway to citizenship affordable and accessible.⁴

DACA students and families aren't criminals — they work hard and are passionate about the U.S. They want the opportunity to be citizens of the only country they've ever known. One Whitman DACA student, who graduated in 2013, said "I have grown up saying the Pledge of Allegiance and making American culture into something that I deem my own. All my friends are here, all my immediate family is here. Everything that I know, everything that I love, everything that I've come to cherish, all the things I've gained in this life and all the things that I've lost."

Whitman's DACA students graduate and become teachers, community leaders, involved in the world of business and finance, global policy and science. They have a bright future and are able to contribute to their community and greater society. USCIS needs to maintain an affordable pathway to citizenship.

2. Proposed Increase for DACA Fees Represents Significant Financial Burden for Renewal Requestors

USCIS' proposed increase for DACA renewals represents a significant financial barrier that will dramatically lessen DACA renewal applications.

Whitman College seeks to establish a vibrant community of individuals who are intellectually talented, have the potential to be leaders in and out of the classroom and are from diverse backgrounds both nationally and internationally, regardless of their immigration status. We know that these students improve our community. They bring new perspectives, passionate hearts and a dedication to learning. DACA has made a Whitman education accessible and safe. Students who are worried about their immigration status, and whether they or their families will face deportation, cannot focus on their studies and will contribute less positively to our community in the long term.

The Migration Policy Institute (MPI) concluded that even the current renewal fee "remains a barrier to DACA renewal."⁵ Importantly, nearly half of DACA holders received financial assistance from family or others to pay DACA fees.⁶ 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.⁷ A majority (51 percent) of DACA holders stated that

³ USCIS Fee Waiver Policies and Data, Fiscal Year 2017 Report to Congress, USCIS (Sept. 17, 2017), www.dhs.gov/sites/default/files/publications/USCIS%20-%20Fee%20Waiver%20Policies%20and%20Data.pdf.

⁴ H. Rep. No. 115-948 accompanying H.R. 6776, the Department of Homeland Security Appropriations Act (2019).

⁵ Angelo Mathay and Margie McHugh, *DACA at the Three-Year Mark: High Pace of Renewals, But Processing Difficulties Evident*, Migration Policy Institute 8, Aug. 2015, available at <https://www.migrationpolicy.org/research/daca-three-year-mark-high-pace-renewals-processing-difficulties-evident>.

⁶ *Id.* ("Paying for DACA is a family and community expense with just over half (51%) of respondents reporting that they paid for their fees on their own.").

⁷ *Id.*

even the previous \$465 filing fee was “a financial hardship on themselves or their families.”⁸ Approximately 35 percent of DACA eligible individuals live in families with incomes less than 100 percent of the federal poverty level; and two-thirds live in households with incomes less than 200 percent of the federal poverty level.⁹ Moreover, over two-thirds of DACA holders support their families financially, further depleting available funds for renewal of DACA.¹⁰ The above economic and fiscal data demonstrate that the fee increase will depress and discourage renewal application numbers.

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 kmurray@whitman.edu or 509-527-5132.



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⁸ *Id.*

⁹ Jeanne Batalova, Sarah Hooker, and Randy Capps, *Deferred Action for Childhood Arrivals at the One-Year Mark: A Profile of Currently Eligible Youth and Applicants*, Migration Policy Institute 8, Aug. 2013, available at <https://www.migrationpolicy.org/research/deferred-action-childhood-arrivals-one-year-mark-profile-currently-eligible-youth-and?>

¹⁰ Zenen Jaimes Perez, *A Portrait of Deferred Action for Childhood Arrivals (DACA) Recipients*, United We Dream, Oct. 1, 2015, available at <https://unitedwedream.org/2015/10/united-we-dream-releases-major-survey-of-immigrant-youth-with-daca/>.