

The Honorable Alejandro Mayorkas
U.S. Secretary of Homeland Security
Washington, DC 20528

February XX, 2023

On behalf of #_____ organizations that serve survivors of domestic violence, sexual assault, and human trafficking, we are submitting comments in response to the Department of Homeland Security's (DHS) Notice of Proposed Rulemaking on U.S. Citizenship and Immigration Services (USCIS) Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, published in the Federal Register on January 4, 2023. The following comments intend to address the impact that a potential proposed fee rule will have on immigrant survivors of domestic violence and sexual assault.

We applaud the efforts that USCIS has made in the proposed rule that support victims seeking certain survivor-specific forms of immigration status, including exemptions from fees for applicants seeking status as VAWA Self-Petitioners, applicants for T visas, U visas, and Special Immigrant Juvenile (SIJ) status, as well as exemptions from fees for adjustment of status for T visa holders, VAWA Self-petitioners filing I-360's concurrently with their adjustment applications, and those who have status under the Cuban Adjustment Act (CAA) and the Haitian Refugee Immigrant Fairness Act (HRIFA), and SIJs. These exemptions will benefit both USCIS and survivors of domestic violence, sexual assault, and human trafficking by reducing the administrative burden of adjudicating many requests for fee waivers, reducing critical waiting time for applications to be adjudicated.

In addition, we appreciate USCIS' reiteration of the availability of fee waivers for other survivors seeking adjustment of status, such as VAWA Self-Petitioners who are not filing concurrent I-360's and I-485's, U visa holders, and conditional residents seeking waivers of joint filing requirements based on battery or extreme cruelty, among others. **However, we highly recommend that USCIS exempt filing fees for all survivor-based categories.** Doing so would reduce confusion among survivors as well as the service providers that work with them. The immense barriers to financial resources due to domestic violence, sexual assault, or human trafficking apply to those who are seeking safety across all survivor-based immigration categories, not only those who happen to qualify for T-visas, SIJ, or who happen to be eligible to apply for adjustment of status concurrently with their VAWA Self-Petitions because they were abused by a U.S. Citizen.

Having consistent fee exemptions across survivor-based immigration categories, including for applications to adjust status, would reduce the significant burden on immigrant survivors. Immigrant survivors often face additional financial burdens and safety risks when they have to gather the documents needed to support fee waivers including gathering financial documents in locations where abusers/perpetrators may access them or from exploitative employers. It would also reduce the administrative burden on victim services providers who are faced with trying to keep track of confusing and inconsistent rules about different categories of immigrant survivors.

Relatedly, we are concerned about the size of the increases in filing fees across the board, and **the impact of the proposed fee rule on large numbers of victims who do not seek, or who are ineligible for survivor-specific forms of status, and thus, will be negatively impacted by the significant increases proposed.** Given the significant delays in the processing of various survivor related applications, U-visa applications taking six years for example, survivors may choose to pursue their status through other pathways.

Even in instances where survivors already have secure immigration status and a proposed rule would not directly apply to their cases, their family members who may be seeking admission or permanent residence, such as those sponsored by survivors, or those living in their households, will be impacted.

In particular, we are concerned about the significant increase in cost to apply for Adjustment of status from \$1,140 to \$1,540, an increase of \$400. In addition to the higher costs to adjust status, the higher costs to apply for employment authorization (i.e., online from \$410 to \$555, and on paper, from \$410 to \$650) will negatively impact the ability of survivors to care for their families, maintain stable housing and food, and will increase hardship on them and their families.

As DHS and the Administration build their agency budgets, **we urge that the Agency work with appropriators not only to seek funding for backlog reduction, but also ongoing and consistent funding to support the processing of humanitarian applications,** including VAWA Self-Petitioners, T-visas, U-visas, SIJ cases, asylum, and humanitarian parole cases, among others.

Thank you for the opportunity to provide input on the impacts of the proposed fee rules on immigrant survivors.

Sincerely,