

May 6, 2019

USCIS Desk Officer
Office of Management and Budget
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Submitted via email to dhsdeskofficer@omb.eop.gov

RE: OMB Control Number 1615-0116; USCIS Agency Information Collection Activities; Revision of a Currently Approved Collection: Request for Fee Waiver

The Tahirih Justice Center (Tahirih) is pleased to submit the following comments in response to “U.S. Citizenship and Immigration Service Agency Information Collection Activity; Revision of Currently Approved Collection: Requests for Fee Waivers”; published in the Federal Register on April 5, 2019.ⁱ

Tahirih is a national policy and direct services organization that has assisted over 25,000 immigrant survivors of gender-based violence for the past twenty-two years. Our clients endure horrific abuses such as human trafficking, domestic violence, sexual assault and other crimes. Due to the dynamics of abuse, including severe economic exploitation, immigrant survivors are mostly indigent and rely heavily on fee waivers to apply for immigration relief and ultimately find safety. As a result, survivors suffer disproportionately from measures that restrict access to the fee waiver process in principle and practice.

As explained in our first round of comments filed on November 26 2018,ⁱⁱ we continue to urge USCIS to maintain evidentiary policies that are as flexible as possible to reflect the unique circumstances our clients face as survivors. USCIS has revised the Request for Fee Waiver Form and instructions accordingly, by 1) not requiring survivors to provide information about an abuser’s income; and 2) allowing any available documentation of income.

While these changes promote flexibility, other unnecessary burdens remain. Survivors must still secure financial documentation for other (non-abusive) household members pursuant to the Form. This may prove prohibitive particularly for those in shelters or who are forced into homelessness. In addition, while survivors who are unable to pay fees or obtain traditional documentation of income can submit any available documentation pursuant to the revisions, they may do so if such inabilities are “due to their victimization.” It is unclear how this requirement will be applied in practice and whether it will effectively result in more denials of fee waivers and ultimately, desperately needed relief. When survivors face unnecessary barriers to legal remedies specifically designed by Congress to protect them, all stakeholders pay the price. Perpetrators are

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emboldened, public safety suffers, and prolonged poverty and instability ensues. Accordingly, we ask USCIS to remove these two requirements.

We look forward to your detailed feedback on these comments, and please contact me at irenas@tahirih.org or 571-282-6180 for additional information.

Respectfully,



Irena Sullivan
Senior Immigration Policy Counsel

ⁱ U.S. Citizenship and Immigration Services, Department of Homeland Security.
<https://www.federalregister.gov/documents/2019/04/05/2019-06657/agency-information-collection-activities-revision-of-a-currently-approved-collection-request-for-fee#addresses>

ⁱⁱ <https://www.tahirih.org/wp-content/uploads/2018/11/Tahirih-Fee-waiver-comments-Final.pdf>