

NATURALIZATION FEE WAIVER PACKET

Prepared by the Immigrant Legal Resource Center
August 1, 2011

In November 2010, U.S. Citizenship and Immigration Services (USCIS) introduced a standardized form, Form I-912, for requesting fee waivers for various immigration forms and petitions. Form I-912 may be used for requesting a waiver of the \$680 naturalization filing fee. This packet is designed for immigration advocates and includes information from USCIS and the Immigrant Legal Resource Center (ILRC) on how to complete and review a fee waiver application to accompany naturalization applications, the adjudication standards for fee waiver applications, and a sample completed fee waiver form. This packet contains:

<u>Document</u>	<u>Page</u>
ILRC Advocate Guide for Completing Form I-912 for Naturalization Applicants.....	1
Sample Completed Form I-912.....	9
USCIS Form Instructions for Form I-912.....	13
ILRC Advocate Review Guide for Form I-912 for Naturalization Applicants	20
USCIS Fee Waiver Guidance	25
USCIS Policy Memorandum: Fee Waiver Guidelines (March 13, 2011)	28

Advocate Guide to Completing Form I-912, Request for Fee Waiver Form, for Naturalization Applicants

I. Introduction

In November 2010, USCIS introduced a standardized form, Form I-912, for requesting fee waivers for various immigration forms and petitions. Form I-912 may be used for requesting a waiver of the \$680 naturalization filing fee. Applicants may still submit applicant-generated fee waiver requests (that is, requests that are not submitted on Form I-912) that comply with 8 CFR § 103.7(c). Those who wish to receive a waiver of fees must demonstrate that they are unable to pay the required fee. The USCIS Form I-912 instructions provide applicants with guidance on properly filling out and completing the form. This ILRC Guide is meant to supplement the form instructions and walk advocates who are assisting naturalization applicants through each step of the fee waiver form.

II. Instructions

1. Section 1. Information About You:

- ✓ Line 1.a. Family Name (Last Name):
 - Write the applicant's full last name.
- ✓ Line 1.b. Given Name (First Name):
 - Write the applicant's full first name. If the applicant has two last names, then write both names on this line and separate them with a hyphen (-) if applicable.
- ✓ Line 1.c. Middle Initial:
 - If applicable, write the applicant's middle initial.
- ✓ Line 2. Alien Registration Number (A-Number):
 - The applicant's A-Number is an 8 or 9-digit number beginning with the letter "A." The number will be listed on the front of the applicant's permanent resident card. Write the numbers down only (e.g., 11222333, not the letter "A").
- ✓ Line 3. U.S. Social Security Number (SSN):
 - If the applicant has a SSN, write it down, e.g., 111-11-1111. If she does not have one, write "Not Applicable" or "N/A." Make sure to include only a SSN that is valid and legal and was issued specifically to the applicant by the Social Security Administration.
- ✓ Line 4. Date of Birth:
 - Write the date in mm/dd/yyyy format. For example, for January 2, 1980, write "01/02/1980."
- ✓ Line 5. Marital Status:
 - Check the box ☐ that applies to the applicant.
- ✓ Line 6. Applications and Petitions:
 - Write "N-400."

2. Section 2. Additional Information if Dependent(s) Are Included in This Request:

- ✓ Line 7. Complete the Table below if applicable:
 - Write “Not Applicable” or “N/A.” This table does not apply to naturalization applicants because the naturalization application does not allow for dependents.

3. Section 3. Basis for the Request:

USCIS determines if the applicant qualifies for a fee waiver based on one or more of the three reasons listed in Section 3. Check any of the boxes ☐ that apply.

USCIS will review Form I-912 requests in three steps. First, if the applicant is receiving a means-tested benefit, the application will normally be approved and no further information is required. Second, if the applicant’s household income falls at or below 150% of the USCIS Poverty Guidelines, the application will normally be approved and no further information is required. Finally, the applicant has an opportunity to qualify for a fee waiver based on financial hardship, extraordinary expenses or other circumstances.

- ✓ Line 8.a. I am receiving a means-tested benefit.
 - If the applicant checks this box ☐, then complete **Sections 4 and 7**.
 - A “means-tested benefit,” for purposes of a fee waiver, is a benefit where an individual’s eligibility for or amount of the benefit is established based on the individual’s income *and resources* (meaning anything of value the applicant has, such as money in a bank account or property such as a car or house), including resources that the governmental agency giving the benefit could consider available to the applicant (such as the property or money of an immediate family member). Means-tested benefits may be federally or state funded. Examples of means-tested benefit programs include:
 - . Medicaid
 - . Supplemental Nutrition Assistance Program (SNAP benefits or Food Stamps)
 - . Temporary Assistance to Needy Families (TANF)
 - . Supplemental Security Income (SSI)
 - . State Child Health Insurance Program (SCHIP)

Some other Federal, state, and county benefits may be considered a “means-tested benefit” – so an applicant may be able to qualify for a fee waiver by submitting proof that she receiving a benefit from a local governmental agency. In California, for example, CalWorks, Medi-Cal, Healthy Families, and CalFresh are “means-tested benefits” that may be used to support a fee waiver request. Fee waiver applications have also been based on an applicant’s receipt of Women, Infants, Children (WIC) benefits. If the applicant is receiving a benefit not mentioned here, you or the applicant should consult with the benefit-granting agency to establish whether the benefit meets the definition of “means-tested benefit” stated above.

- The applicant must provide evidence that she is receiving a means-tested benefit in the form of a letter, notice, or other official document(s) listing the name of the agency giving the benefit, the recipient’s name, the name of the benefit, and a recent date. If the applicant provides this proof that she is

- currently getting a means-tested benefit, then she will generally be granted a fee waiver, and no other information will be necessary.
- If the applicant's spouse is receiving a means-tested benefit, the applicant will normally qualify for a fee waiver on that basis. If the applicant qualifies for a fee waiver only based on her spouse's receipt of benefits (meaning that the applicant herself is not receiving a means-tested benefit) the applicant should write, "my spouse is receiving a means-tested benefit, not me" next to the box ☐ at Line 8a.
 - An applicant generally will not qualify for a fee waiver based on her children or grandchildren's receipt of means-tested benefits. In other words, if the naturalization applicant is not receiving a means-tested benefit but her son or daughter is, it is unlikely that the applicant qualify for a fee waiver based on a means-tested benefit.
 - If an elderly parent who lives with his or her adult child receives SSI, the adult child cannot use the parent's SSI as proof of eligibility for a fee waiver. In other words, if your parent receives SSI but you do not receive other means-tested benefits, you cannot use your parent's SSI as proof of a means-tested benefit for purposes of a fee waiver.
-
-

Practice Tip: If your client is receiving a means-tested public benefit and has evidence that she is currently receiving the benefit, do not complete Sections 5 and 6 of Form I-912. Because USCIS will normally approve a fee waiver based solely on the receipt of means-tested benefits, there is no need to provide more information about the applicant's income or assets. Skipping Sections 5 and 6 means less documentation is required with the form, which in turn avoids potential problems that could arise by submitting the client's tax returns.

- ✓ Line 8.b. My household income is at or below 150% of the Federal Poverty Guidelines.
 - If the applicant checks this box ☐, then complete **Sections 5 and 7**.
 - In order to qualify for the waiver on this basis, the applicant must demonstrate that her household income for the most recent tax year (gross income; that is, the amount of money the applicant made before taxes were taken out of her paycheck) is at or below 150% of the most recent poverty guidelines, which are published by the Secretary of Health and Human Services and are available at <http://aspe.hhs.gov/poverty>. You may also call toll-free 1-866-758-1060 to receive information on the current Federal Poverty Guidelines.
 - For fee waiver purposes, a **household** can include an applicant, spouse, parent(s) living with the applicant, and any of the following individuals:
 - . An unmarried child or legal ward (such as a foster child) under 21 years of age living with the applicant;
 - . An unmarried child or legal ward (such as a foster child) over 21 years of age but under 24 years of age who is a full-time student and living with the applicant when attending school; or

- An unmarried child or legal ward (such as a foster child) for whom the applicant is the legal guardian because the individual is physically or mentally disabled to the point that he or she cannot adequately care of him/herself and cannot establish, maintain, or re-establish his or her own household.
 - If a federal tax return is available and it lists members of the applicant's household, the applicant should submit the tax form as documentation that her household income is at or below 150% of the Federal Poverty Guidelines.
 - If the applicant lives with a person who is not claimed as a member of her household for tax purposes (for example, a roommate/housemate), then the housemates's income will not be considered when determining the household income.
 - If the applicant is **legally separated from her spouse**, the applicant does not need to list the spouse as a family member, but the applicant should be sure to include any support that the spouse provides to the applicant's household on Line 11 of the form.
 - The applicant may submit the following documentation as evidence to show that the applicant's household income falls at or below 150% of the Federal Poverty Guidelines at the time of filing:
 - The individual's Federal tax return(s), listing the members of the household.
 - If Federal tax returns are not available, the applicant may submit other evidence of current employment or self-employment such as recent pay statements, W-2 forms, statement(s) from the individual's employer(s) on business stationery showing salary or wages paid, or income tax returns (proof of filing of a tax return).
 - Evidence of other financial support or subsidies – such as parental support, alimony, child support, scholarships and fellowships, pensions, Social Security, veteran's benefits, etc. Financial support may include money to pay monthly expenses received from adult children, dependents, and other people who are living in the individual's household, etc.
 - If the applicant provides sufficient evidence that her household income is at or below 150% of the Federal Poverty Guidelines at the time of filing, the fee waiver will normally be approved, and no further information will be required. This means that if the applicant qualifies for the waiver based on low income, the applicant does not need to complete Section 6 of the form. **Note:** If the applicant's most recent tax return does not accurately show how much money the applicant made last year (for example, if the applicant recently lost her job), the applicant must also complete **Section 6** and provide information about the applicant's current situation.
- ✓ Line 8.c. I have a financial hardship.
 - If the applicant checks this box ☐, then complete **Sections 6 and 7**.
 - If the applicant does not receive a means-tested benefit or the applicant's income does not fall at or below 150% of the Federal Poverty Guidelines, the applicant may still qualify for a fee waiver if she demonstrates that she has a financial hardship due to extraordinary expenses or other circumstances affecting her financial situation to the point that she is unable to pay the naturalization filing fee.

- Examples include:
 - . Unexpected and uninsured (or underinsured) medical bills;
 - . Emergency situations that could not ordinarily be predicted;
 - . Medical emergency or debilitating illness affecting the applicant or applicant's dependents;
 - . If the applicant is under financial hardship, the applicant should submit evidence that she has suffered financially because of this hardship in a reasonably recent period before filing the fee-waiver request. The financial hardship must be significant enough that it makes it very difficult for the applicant to pay the \$680 filing fee.
- To document the applicant's financial hardship, she may submit the following documentation:
 - . Information concerning all assets owned, possessed, or controlled by the applicant and her dependents. Assets include real estate, property, cash, checking and savings accounts, stocks, bonds, and annuities [except for pension plans and Individual Retirement Accounts (IRAs)]. The applicant must provide evidence of the type and value of your assets.
 - . Information concerning debts and expenses owed by the applicant and the applicant's dependents, and any other expenses for which the applicant is responsible. Debts and expenses include the cost of rent, mortgages, lease, the average monthly cost of food, utilities, child care and elder care, medical expenses, any tuition costs, commuting costs, and monthly payments of any lawful debts. The applicant should provide documents such as copies of bills and/or payments.
- If the applicant is unable to provide documentation of income and debts, the applicant should provide a description of her financial hardship and why she is unable to provide evidence of income.
 - . Affidavits from churches and other community-based organizations showing that you are currently receiving some benefit from that entity (such as food baskets or other community support) can be used as proof of income.
 - . In reviewing all documentation and information submitted, consider whether the applicant possesses cash savings or other property that could be accessed or sold without harming the applicant financially. For example, the applicant may own stocks or other assets that could be easily turned into cash.

4. Section 4. Means-Tested Benefit:

- ✓ Line 9. Complete the Table Below:
 - Fill in the name of the person receiving the benefit, the name of the agency awarding the benefit, the date the benefit was awarded, and whether the recipient is currently receiving the benefit. Note that the applicant will only qualify for a fee waiver based on benefits the applicant (or the applicant's spouse) is *currently* receiving.
 - If the person receiving the benefit is the applicant's spouse, write "(spouse)" next to the name because the form does not provide a space for listing the relationship.
 - If the applicant is receiving a means-tested benefit and provides sufficient evidence, then you may go directly to **Section 7** of the form.

5. Section 5. Household Income:

- ✓ Line 10. How many dependents (for tax purposes) live with you?
 - Enter the number of dependents who live with the applicant. Dependents should be listed on the applicant's federal tax return, Form 1040, in Line 6c. This question asks for the number of dependents who live with the applicant, which may be fewer than the dependents listed on the applicant's most recent tax return.

Practice Tip: ILRC recommends indicating household size in Line 10, instead of just the suggested dependents for tax purposes. Whereas the phrase “dependents for tax purposes” excludes the applicant's spouse and the applicant, the household size includes those individuals. The poverty guidelines, which are used to determine eligibility for a fee waiver based on income, measure income against household size.

ILRC suggests writing, “[#] dependents for tax purposes + spouse [if applicable] + me = household size of [#]” in Line 10. For example, if the applicant lives with his wife and their two young children, he should write the following in Line 10:

2 dependents for tax purposes + spouse + me = household size of 4.

- ✓ Line 11. Average monthly wage income from household members:
 - Take the applicant's household wage income for the previous 12-month period and divide the total by 12. Enter that amount as the average monthly wage income from household members.
 - The applicant should list the household's gross income; that is, the amount of money the household members earned monthly before taxes were taken out of their paychecks
 - If the applicant lives with a person who is not claimed as a member of the applicant's household for tax purposes (for example, a roommate/housemate), then the housemate's income will not be considered when determining the applicant's household income.
- ✓ Line 12. Other money received each month:
 - Enter other money received each month that is not included in Line 11. This could include spousal support, child support, unemployment compensation, etc.
- ✓ Total:
 - USCIS will compare the Total to the Federal Poverty Guidelines.

6. Section 6. Financial Hardship:

This section must be completed if the applicant checked the box in Line 8c “I have a financial hardship.” This section must also be completed if the applicant recently lost her job (so her most recent tax return does not accurately show the household’s current income level), or, if for some reason, the applicant cannot provide proof of income over the past year.

- ✓ Line 13. Describe your particular situation:
 - In the space provided, describe the applicant’s financial hardship, and be sure to include how this situation has caused the applicant to have unusually high costs (and what the costs were) or have a loss of income (and explain how much income was lost). If you need more space, attach a separate sheet of paper. At the top of each additional sheet of paper, write the applicant’s name and Alien Registration Number (A-Number), and indicate the section and number that the answer refers to.
 - For a sample description for Line 13, see the attached sample Form I-912.
- ✓ Line 14. Date that you became unemployed:
 - If the applicant is currently unemployed, list the date the applicant became unemployed.
- ✓ Line 15. Amount of unemployment compensation:
 - If the applicant is currently unemployed, write down the monthly amount of unemployment compensation that the applicant is receiving.
- ✓ Line 16. List your assets and the value of your assets:
 - Enter the type(s) of asset(s) the applicant has, the dollar value of those asset(s), and the total dollar value of the asset(s). If you need additional space, attach a separate sheet of paper. At the top of each additional sheet of paper, write the applicant’s name and Alien Registration Number (A-Number), and indicate the section and number that the answer refers to.
 - Assets can include: real estate, property, cash, checking and savings accounts, stocks, bonds, and annuities [except for pension plans and Individual Retirement Accounts (IRAs)].
 - Calculate the applicant’s total assets for the “TOTAL” column.
- ✓ Line 17: List the applicant’s average monthly costs, provide evidence of monthly payments where possible:
 - In the space provided, enter the applicant’s average monthly costs for the categories provided, if applicable. If you need additional space, attach a separate sheet of paper. At the top of each additional sheet of paper, write the applicant’s name and Alien Registration Number (A-Number), and indicate the section and number that the answer refers to.
 - Calculate the total monthly costs for the “TOTAL” column.
 - If the applicant has significant costs that do not fit into any of the categories listed, write in an additional category for “other” expenses, and include this in the applicant’s total monthly costs.

7. Section 7. Your Signature and Authorization:

- ✓ Line 18. Your Signature:
 - Do not ask the applicant to sign the form until it is complete and ready to file.
 - After the applicant reads the release, ask the applicant to sign and date Form I-912. Remind the applicant that by doing so, the applicant takes full responsibility for the accuracy of all the information provided, including all supporting documentation. The applicant also authorizes the release of any information, including the release of the applicant's Federal tax return so that USCIS may determine the applicant's eligibility for a fee waiver.
 - The applicant does not need to acquire any "Additional Signatures" when using the fee waiver form with a naturalization application. (The applicant's signature in the "Your Signature" line is sufficient).

III. Filing the Request

After the applicant fills out and signs Form I-912, attach the form and all supporting documentation (such as income tax return and monthly bills) to Form N-400. The applicant should mail Form I-912, Form N-400, and all supporting documents for both forms to the USCIS office according to the "Where to File" directions specified on the N-400 form instructions.

If the applicant lives in: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, Territory of Guam, or the Commonwealth of the Northern Mariana Islands, the applications should be sent to:

USCIS Phoenix Lockbox
P.O. Box 21251
Phoenix, AZ 85036

If the applicant lives in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Commonwealth of Puerto Rico, or the U.S. Virgin Islands, the applications should be sent to:

USCIS Dallas Lockbox
P.O. Box 660060
Dallas, TX 75266

A Form I-912 may not be submitted after USCIS has received the underlying petition or application, so make sure to mail the fee waiver request with the underlying application or petition.

If USCIS approves the fee waiver request, the applicant will be notified that her naturalization application has been received and the filing amount will be listed as \$0. If the fee waiver request is denied, the applicant will receive her complete application package back with a notice rejecting the application and an explanation as to why the fee waiver request was denied. The applicant may either resubmit the naturalization application and fee waiver request with additional required documentation or resubmit the naturalization application along with the full \$680 filing fee.

DRAFT ONLY

OMB No. 1615-0116; Expires 10/31/2012

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-912, Request for Fee Waiver

Before you fill out this form, please read the instructions.

Section 1. Information About You

Line 1. a.	Family Name (Last Name)	<input type="text" value="Marceas"/>
Line 1. b.	Given Name (First Name)	<input type="text" value="Imelda"/>
Line 1. c.	Middle Initial	<input type="text"/>
Line 2.	Alien Registration Number (A-Number) <i>(numbers only)</i>	<input type="text" value="A 11222333"/>
Line 3.	U.S. Social Security Number (SSN) <i>(9 numbers only)</i>	<input type="text" value="11111111"/>
Line 4.	Date of Birth	<input type="text" value="01/01/1938"/> <i>(mm/dd/yyyy)</i>
Line 5.	Marital Status	<input type="checkbox"/> Never Married <input checked="" type="checkbox"/> Married <input type="checkbox"/> Marriage Annulled <input type="checkbox"/> Legally Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widow(er)
Line 6.	Applications and Petitions (Enter the form number(s) of the application(s) and/or petition(s) for which you are requesting a fee waiver.	<input type="text" value="N-400"/> Biometric services fees, where applicable, will be included in the request.

For USCIS Use Only

☐ Approved

Signature of
Approving Officer

☐ Denied

Officer's Comments

Section 2. Additional Information if Dependent(s) are Included in This Request

Line 7. Complete the Table below if applicable. *(If you need more space, attach a separate sheet of paper)*

Name (First, MI, Last)	A-Number (If applicable)	SSN (If applicable)	Date of Birth (mm/dd/yyyy)	Relationship to You
None	A-			
	A-			
	A-			
	A-			
	A-			
	A-			
	A-			

Section 3. Basis for Your Request (Check any that apply)

- Line 8. a. ☐ a. I am receiving a means-tested benefit. (complete Section 4)
- Line 8. b. ☒ b. My household income is at or below 150% of the Federal Poverty Guidelines. (complete Section 5)
- Line 8. c. ☒ c. I have a financial hardship. (complete Section 6)

Section 4. Means-Tested Benefit

Line 9. **Complete the Table Below** (If you need more space, attach a separate sheet of paper)

Name of Person Receiving the Benefit	Name of Agency Awarding Benefit	Date Benefit Was Awarded	Are You Receiving This Benefit Now?
N/A			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

Section 5. Household Income (Provide evidence of monthly income or other support)

Line 10.	How many dependents (for tax purposes) live with you?	<div>1</div> <div>(round to the nearest dollar)</div>
Line 11.	Average monthly wage income from household members	<div>\$0.00</div>
Line 12.	Other money received each month (child support, spousal support, unemployment, etc.)	<div>\$960.00</div>
	Total (USCIS will compare this amount to Federal Poverty Guidelines)	<div>\$960.00</div>

Section 6. Financial Hardship

Line 13.

Describe your particular situation. Be sure to include how this situation has caused you to incur costs (and what the costs were) or loss of income that you have experienced (and what that loss was). (If you need more space, attach a separate sheet of paper.) I am 72 years old and live in a small one-bedroom apartment in the Mission area in San Francisco. Since I went into retirement five years ago, I have depended solely on my social security benefits. These benefits, however, barely keep up with the high cost of living in San Francisco. In addition, we recently declared bankruptcy because of insurmountable debt, a result of litigation from a decade ago. I am physically disabled. I have been unable to work after I suffered a severe injury to my thigh five years ago. I receive some disability insurance from the state, however, this is only a fraction of the income I once had. My total income is \$960 per month, and it is the only income for my husband and I. My husband, age 84, does not work. Thus, my social security benefits are the sole source of income. My income is barely enough to cover our living expenses. In addition to our living expenses, we are faced with monthly medical bills related to my therapy. This has severely strained our limited financial resources. I have attached a budget and copies of receipts for our monthly expenses. For the past few months I have made a concerted effort to save enough money to pay the fee for my application, but there is always an emergency that seems to drain whatever little money we manage to save. I am afraid that without a Waiver, I will never be able to obtain the benefit I seek.

If unemployed:

Line 14.

Date that you became unemployed

N/A

Line 15.

Amount of unemployment compensation (monthly) that you are receiving (enter dollars)

N/A

Line 16.

List your assets and the value of your assets. (If you need more space, attach a separate sheet of paper.)

Type of Asset	Value (enter dollars)
Cash	\$40.00
Checking/Savings	\$135.00
TOTAL Value of Assets	\$175.00

Section 6. Financial Hardship (Cont'd)

List your average monthly cost, provide evidence of monthly payments where possible. (If you need more space, attach a separate sheet of paper.)

Line 17.

Type of Cost	Value (Enter Dollars)	Type of Cost	Value (Enter Dollars)
Rent	\$400.00	Insurance	\$0.00
Mortgage	\$0.00	Loan Payment	\$0.00
Food	\$175.00	Commuting Costs	\$40.00
Utilities	\$30.00	Medical	\$220.00
Child/Elder care	\$0.00	School	\$0.00
		TOTAL Monthly Costs	\$865.00

Section 7. Your Signature and Authorization

Do not sign your Form I-912 until it is complete and you are ready to file.

I take full responsibility for the accuracy of all the information provided, including all supporting documentation. I authorize the release of any information, including the release of my Federal tax returns, that USCIS needs to determine my eligibility.

Each person applying for a fee waiver request must sign Form I-912. This includes individuals identified in Sections 1 and 2 if 14 years of age or older.

Line 18.

Your Signature



Date

11/30/2010

Additional Signature

Date

Additional Signature

Date

Additional Signature

Date

Additional Signature

Date

Additional Signature

Date

Instructions

Read these instructions carefully to properly complete Form I-912. If you need more space to complete an answer, use a separate sheet of paper. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet of paper and indicate the section and number of the item to which the answer refers.

Introduction

U.S. Citizenship and Immigration Services (USCIS) is funded largely by application and petition fees. Waiving a fee transfers the cost of processing applications and petitions to others through higher fees. However, we recognize that some individuals may not be able to pay the filing fee. If you want USCIS to consider waiving the fee for your application, or petition, follow the instructions below to complete Form I-912, Request for Fee Waiver. When you request a fee waiver, you must clearly demonstrate that *you are unable to pay the fee*. USCIS officers will evaluate all factors, circumstances, and evidence supplied in support of a fee waiver request when making a final determination. Each case is unique and will be considered on its own merits.

For further guidance on fee waiver requests, visit our Web site at: www.uscis.gov/feewaiver.

Which applications and petitions will USCIS consider for a fee waiver?

You may use Form I-912 to request a fee waiver for any of the following benefit requests or services:

- A. Form I-90, Application to Replace Permanent Resident Card;
- B. Form I-131, Application for Travel Document can be waived for those applying for humanitarian parole;
- C. Form I-192, Application for Advance Permission to Enter as Nonimmigrant (Under Section 212(d)(3)(A)(ii) of the Immigration and Nationality Act (INA)). The fee for Form I-192 can only be waived for an alien who is not subject to a determination of their likelihood of becoming a public charge under section 212(a)(4) of the INA;
- D. Form I-290B, Notice of Appeal or Motion. The fee for Form I-290B can be waived only if the underlying application or petition was fee exempt, the fee was waived, or it was eligible for a fee waiver;
- E. Form I-485, Application to Register Permanent Residence or Adjust Status. A fee waiver is only available if you are applying for lawful permanent resident status based on:

- 1. "T" nonimmigrant status (victim of human trafficking) or "U" nonimmigrant status (victim of certain crimes who has assisted in prosecution);
- 2. Asylum status in the United States;
- 3. Approved status as a battered or abused spouse, child, or parent of a U.S. citizen or lawful permanent resident, or for a special immigrant juvenile;
- 4. Special Immigrant Juvenile status based on an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant;
- 5. An adjustment provision that does not require you to prove that you are not likely to become a public charge, such as the Cuban Adjustment Act, the Haitian Refugee Immigration Fairness Act, or similar provision; and
- 6. Continuous residence in the United States since before January 1, 1972, ("Registry").

- F. Form I-539, Application to Extend/Change Nonimmigrant Status, for individuals with any benefit request as specified by section 245(l)(7) of the INA;
- G. Form I-601, Application for Waiver of Grounds of Inadmissibility. The fee for Form I-601 can only be waived for an alien who is not subject to a determination of their likelihood of becoming a public charge under section 212(a)(4) of the INA;
- H. Form I-751, Petition to Remove Conditions on Residence;
- I. Form I-765, Application for Employment Authorization;
- J. Form I-817, Application for Family Unity Benefits;
- K. Form I-821, Application for Temporary Protected Status;
- L. Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 Pub. L. 105-100 (NACARA));
- M. Form N-300, Application to File Declaration of Intention;
- N. Form N-336, Request for Hearing on a Decision in Naturalization Procedures Under Section 336 of the Act;
- O. Form N-400, Application for Naturalization;

- P. Form N-470, Application to Preserve Residence for Naturalization Purpose;
- Q. Form N-565, Application for Replacement Naturalization/Citizenship Document;
- R. Form N-600, Application for Certificate of Citizenship;
- S. Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322; and
- T. Biometric services fees in connection with any application or petition, regardless of whether it is listed above.

Some applications and petitions do not require a fee at all and do not require you to submit a Form I-912. Other USCIS applications and petitions have fee exemption requirements for certain types of applicants and petitioners. In these cases, the fee exemption is outlined on the particular USCIS form and instructions and submission of a separate Form I-912 is not required. Consult our Web site for the instructions and fees for specific USCIS applications and petitions at: www.uscis.gov.

Fee Waiver Request Review Process

1. How will USCIS determine if you qualify for a fee waiver?

USCIS will review your Form I-912 according to the process described below. Additional details, including evidence, need to be followed as explained in each step:

- Step 1.** Are you receiving a means-tested benefit?
If you are, and you have provided sufficient evidence, your fee waiver request will normally be approved and no further information will be required.
- Step 2.** Is your household income at or below 150% of the Federal Poverty Guidelines at the time of filing? If it is, and you have provided evidence, your fee waiver request will normally be approved.
- Step 3.** Do you have some financial hardship situation such as recent unemployment, high medical expenses, and/or other unexpected large expenses that you would want USCIS to consider when determining eligibility for a fee waiver? If you do, you must provide evidence to support your claim.

STEP 1

2. What is a means-tested benefit and what effect does it have on my eligibility for a fee waiver?

- A. A means-tested benefit is a public benefit where a person's eligibility for the benefit, or the amount of such benefit, or both, are determined on the basis of the person's income and resources, including those that may

lawfully be deemed available to the person by the benefit-granting agency. Means-tested benefits may be either federally or state funded. For purposes of this fee waiver request only, USCIS will consider federal public benefits that you are receiving based on your means, regardless of whether the benefit is funded under the benefit-granting agency's mandatory or discretionary spending programs. In other words, the benefit does not need to have been specifically designated by the benefit-granting agency as a "federal means-tested benefit" for purposes of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193, but your eligibility for the benefit must still depend on your income and other resources available to you. State agencies may assist in the local administration of federal means-tested public benefits.

- B. Examples of means-tested benefit programs are Medicaid, Food Stamps (now a part of the "Supplemental Nutrition Assistance Program" or "SNAP" benefits), Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), among others. These benefits have been designated as such for PRWORA purposes, however, there are also other federal public benefits that you may be receiving which are also "means-tested," but that are funded by the benefit-granting agency's discretionary spending programs. USCIS will consider your receipt of these benefits in determining your eligibility for a fee waiver. Please consult with your benefit-granting agency or your legal advisor to determine whether any federal public benefit that you are receiving qualifies as a benefit for which your eligibility is determined based on your "means".
- C. States may also provide eligible individuals with state-funded public benefits where a person's eligibility for the benefit, the amount of the benefit, or both, are determined by the person's income and resources, including those that the state benefit-granting agency lawfully deems available to the person. Such benefits may also be considered "means-tested" benefits for purposes of this fee waiver request.
- D. If you are receiving a means-tested benefit when you file Form I-912, we will consider you eligible for a fee waiver.
- E. You must provide evidence that you are currently receiving a means-tested benefit. This evidence should be in the form of a letter, notice, and/or other official document(s) containing the name of the agency granting you the public benefit. The document(s) submitted must show the name of the recipient of the means-tested benefit and the name of the agency awarding the benefit.

3. Can other members of the family use the means-tested benefit as support for a fee waiver if not specifically identified in the evidence supporting the benefit?

- A. If an applicant is receiving a means-tested benefit, then the spouse of the applicant will normally qualify for a fee waiver on that basis.
- B. If a parent is receiving a means-tested benefit, then his or her unmarried children under 21 years of age living with him or her will normally qualify for a fee waiver on that basis.
- C. If a child or grandchild is receiving a means-tested benefit, parents or other family members will not necessarily qualify for a fee waiver.
- D. If an elderly parent living with his or her adult child is receiving SSI, the adult child cannot use this as evidence of eligibility for a fee waiver.
- E. If you are not receiving a means-tested benefit, or do not want USCIS to consider receipt of a means-tested benefit in determining your eligibility for a fee waiver, we will look at the income level of your household and compare it to the Federal Poverty Guidelines.

STEP 2

4. How will you use my household income information to determine my eligibility for a fee waiver?

- A. We will compare your household income with the Federal Poverty Guidelines in effect at the time of filing as established by the Secretary of Health and Human Services. These guidelines change every year. To view the most current Federal Poverty Guidelines, go to <http://aspe.hhs.gov/poverty>. You can also call toll-free 1-866-758-1060 to obtain information on the current Federal Poverty Guidelines.
- B. If your household income is at or below 150% of the Federal Poverty Guidelines, you will qualify for a fee waiver. If your household income is over 150% of the Federal Poverty Guidelines, and if you have a financial hardship that would impact your ability to pay, such as large medical bills or other unexpected expenses, please see Step 3.

5. What evidence do I need to provide concerning household income?

You will have to document your household size and income. Household income includes all forms of income and financial assistance. Evidence may include:

- A. A copy of your most recent Federal tax return;

- B. If Federal tax returns are not filed, or do not properly reflect current income, copies of pay check stubs for a minimum of the past month, or statement(s) from your employer(s) on business stationery showing salary or wages paid, will be sufficient evidence of income.

If you do not have any income, or cannot provide evidence of income, please describe your particular situation in Section 6 of Form I-912.

6. Who should I include when determining my household size?

- A. If available, the members of your household should be identified on your Federal tax return.
- B. If a Federal tax return has not been filed, or is not available, the following members of the household should be identified and included in determining size:
 - 1. You;
 - 2. Your spouse; and
 - 3. The following family members:
 - a. Your children or legal wards, who are unmarried and under 21 years of age, and who live with you;
 - b. Your children or legal wards, who are unmarried and are over 21 years of age but under 24 years of age, are full-time students, and who live with you when not at school; and/or
 - c. Your children or legal wards, who are unmarried and for whom you are the legal guardian because they are physically or mentally disabled to the extent that they cannot adequately care for themselves and cannot establish, maintain, or re-establish their own household.
- C. If your parents live with you, they can also be included as members of the household when determining size.

7. Will I include the income of a person living with me if that person is not part of my household for tax purposes?

- A. If a person is living with you, but is not claimed as a member of your household for tax purposes, that person's income will not be considered when determining your household income. You do not need to provide this person's income.
- B. Similarly, if you are living with someone and you are not a member of that person's household for tax purposes, that person's income will not be considered when determining the applicant's household income. You do not need to provide income for that person.

8. If I am separated, do I need to count my spouse in my household size and include their income as part of household income?

- A. If you are legally separated, you do not need to include your spouse in your family size. However, be sure you include in your household income any support that your spouse provides to your household.
- B. Persons applying for immigration benefits under the provisions of the Violence Against Women Act (VAWA), and those applying for T or U Visas under the Victims of Violence and Trafficking Protection Reauthorization Act, should not provide spouse's income.

9. What if I am a full-time college or vocational student?

- A. If you are a student under 24 years of age, and over 21 years of age and unmarried, and can be claimed as a dependent on your parent's Federal tax return, you can file a fee waiver request. You should provide a copy of your parent's Federal tax return along with your Federal tax return as supporting documentation.
- B. If you are a student not claimed as a dependent on your parent's Federal tax return, the fee waiver request will be based on your income only. You should provide a copy of your Federal tax return as supporting documentation.

10. What if I am recently unemployed and my last year's Federal tax return shows my household income above 150% of the Federal Poverty Guidelines?

If you are recently unemployed, you may not be able to show that your annual income is at or below 150% of the Federal Poverty Guidelines based on your most recent tax return. Please see information in Step 3.

11. What if I cannot provide evidence of income?

Please refer to Step 3 for guidance on evidence to provide.

12. What if I am filing on behalf of, or as a Special Immigrant Juvenile (SIJ)?

- A. The fee waiver request should be supported by one of the forms of evidence listed below:
1. A recent state or juvenile court order establishing dependency or custodial assignment of the SIJ;
 2. A letter from a foster care home or similar agency overseeing the SIJ's custodial placement that describes the SIJ's inability to pay; or

3. An approval notice on a Form I-797, Notice of Action, for a Form I-360, filed for the SIJ.

STEP 3

13. What if I believe special circumstances warrant a fee waiver even though my income puts me above 150% of the Federal Poverty Guidelines?

- A. You will need to provide us with a description of your financial hardship as well as the following:
1. Income as described above; and
 2. Information concerning your assets. Assets include: real estate, property, cash, checking and savings accounts, stocks, bonds, and annuities (except for pension plans and Individual Retirement Accounts (IRAs)). You need to provide evidence regarding the types and value of your assets.
- B. Information concerning your liabilities and expenses. Liabilities and expenses for this purpose include: the cost of rent, mortgages, leases, the average monthly cost for food, utilities, child care and elder care, medical expenses, tuition costs, commuting costs, and monthly payments on any lawful debts. You need to provide evidence, where possible, such as copies of monthly bills and/or payments.

14. What if I cannot provide evidence of income?

You will need to provide us with a description of your financial hardship and why you cannot provide any evidence in support of your income. If possible, additional evidence can be provided by affidavits from churches and other community-based organizations indicating that you are currently receiving some benefit from that entity.

General

1. Is there a fee for filing Form I-912?

There is no filing fee for the Form I-912.

2. Can I file one fee waiver request for all members of my family applying for immigration benefits?

Yes. **However**, each person applying for a fee waiver must sign Form I-912. These individuals should be identified in Sections 1 and 2 of Form I-912. Please see "Who Must Sign Form I-912?" on Page 5.

3. Can I file a Form I-912 without an application or petition?

No. Form I-912 must be filed with an application or petition requesting an immigration benefit. In addition, you must file a new Form I-912 with any subsequent application or petition.

4. If I am filing more than one application or petition at the same time, do I need to include a fee waiver request for each application and petition?

No. You can file one fee waiver request covering all applications and biometric fees filed for that applicant in the same envelope.

5. Some form instructions mention a filing fee and a biometric services fee; can both be waived? Do I have to file a separate Form I-912 for the filing fee and biometric services fee?

You do not have to file a separate Form I-912 for the filing fee and the biometric services fee. If we approve your Form I-912, we will waive both the filing and biometric services fee.

6. Will requesting a fee waiver affect my current immigration status?

- A. Relying primarily on public cash assistance for income maintenance can affect an individual's eligibility for some immigration benefits, depending on the totality of the circumstances. The applicant may be inadmissible as an alien likely to become a public charge, or may be deportable for already having become a public charge within 5 years of entry for reasons that arose before entry. You will find detailed guidance on these issues published in the May 26, 1999, edition of the Federal Register (64 Fed. Reg. 28689) and on the USCIS Web site at www.uscis.gov by searching "Public Charge."
- B. USCIS will not consider the possibility that you might be inadmissible or deportable as a "public charge" in deciding your fee waiver request. However, being inadmissible as a public charge may make you ineligible for the benefit you seek. The fee waiver determination, however, is made separately from the adjudication of your eligibility of the USCIS benefit.
- C. USCIS will deny an application or petition that has been determined to involve false documentation, misrepresentations of facts, or other fraud, including this fee waiver request.

7. What if someone filed an affidavit of support for me?

If someone filed a Form I-134, Affidavit of Support or Form I-864, Affidavit of Support under Section 213A of the Act, that person may still be responsible for supporting you and may be sued for repayment of public assistance provided to you. However, we will **not** consider that person's income or assets in deciding whether you are eligible for a fee waiver.

Who Must Sign Form I-912?

- A. If you are at least 14 years of age or older, you must sign Form I-912.
- B. Your parent or legal guardian may sign Form I-912 for you if you are under 14 years of age.
- C. Your legal guardian may also sign Form I-912 for you if you are not mentally competent to manage your own affairs no matter what your age.

General Instructions for Completing Form I-912

- A. This section provides you with line-by-line instructions for completing Form I-912.
- B. We recommend that you use the Adobe-fillable form available on the USCIS Web site. If not available, type or print in black ink.
- C. If an item does not apply to you, enter "Not Applicable" or "N/A" unless the instructions direct you to do something else. If the answer is none, write "None."
- D. If you need more space to complete an answer, use a separate sheet of paper. At the top of each continuation sheet, write your name and Alien Registration Number (A-Number), if you have one, and indicate the section and number of the item(s) to which the answer refers.

SECTION 1 - INFORMATION ABOUT YOU

This section is for the person who needs the fee waiver. If you have dependents whose applications or petitions are part of the fee waiver request, please provide additional information in Section 2.

Line 1. a. Family Name (Last Name).

Line 1. b. Given Name (First Name).

Line 1. c. Middle Initial.

If you have two last names, include both in the Family Name box and use a hyphen (-) if appropriate.

Line 2. Alien Registration Number. Enter your A-Number. If you do not have an A-Number, enter "Not Applicable" or "N/A."

Line 3. U.S. Social Security Number. Enter your Social Security Number. If you do not have a Social Security Number, enter "Not Applicable" or "N/A."

Line 4. Date of Birth. Enter your date of birth as "mm/dd/yyyy." For example, enter May 1, 1979, as 05/01/1979.

Line 5. Marital Status. Select "Never Married," "Married," "Marriage Annulled," "Legally Separated," "Divorced," or "Widow(er)."

Line 6. Applications and Petitions. Enter the form number(s) of the application(s) and/or petition(s) for which you are requesting a fee waiver. The fee waiver request includes the biometric services fee, where applicable.

SECTION 2 - ADDITIONAL INFORMATION IF DEPENDENT(S) ARE INCLUDED IN THIS REQUEST

Line 7. Provide requested information for each dependent who is part of this request. This can include spouse, children and wards.

SECTION 3 - BASIS FOR YOUR REQUEST

This choice relates to you, the person named in Section 1.

Line 8. a. If you are currently receiving a means-tested benefit, check "a." and attach documentation. Please complete Sections 4 and 7 of the form.

Line 8. b. If your household income is at or below 150% of the Federal Poverty Guidelines, check "b." and attach documentation. Please complete Sections 5 and 7 of the form.

Line 8. c. If you have a financial hardship, check "c." and attach documentation. Please complete Sections 5, 6, and 7 of the form.

SECTION 4 - MEANS-TESTED BENEFIT

Line 9. In the space provided, enter the name of the person receiving the benefit, the name of the agency awarding the benefit, the date the benefit was awarded, and whether the recipient is currently receiving the benefit.

If you are receiving a means-tested benefit and have evidence to support your claim, you may go directly to Section 7.

SECTION 5 - HOUSEHOLD INCOME

Line 10. Enter the number of dependents who live with you.

Line 11. Take your household wage income for the previous 12-month period and divide by 12, and enter that amount as your household's average monthly wage income.

Line 12. Enter other money received each month that is not included in Line 15. This could include spousal support, child support, unemployment compensation, etc.

USCIS will compare the Total amount to the Federal Poverty Guidelines.

SECTION 6 - FINANCIAL HARDSHIP

Line 13. In the space provided, describe your financial hardship. Be sure to include how this situation has caused you to incur costs (and what the costs were) or loss of income that you have experienced (and what that loss was). If you need additional space, attach a separate sheet of paper.

Line 14. If you are currently unemployed, enter the date that you became unemployed.

Line 15. If you are currently unemployed, enter the monthly dollar amount of unemployment compensation that you are receiving.

Line 16. In the space provided, enter the type(s) of asset(s) you have, the dollar value of those asset(s), and the total dollar value of your asset(s). If you need additional space, attach a separate sheet of paper.

Line 17. In the space provided, enter your average monthly costs for the categories provided. If you need additional space, attach a separate sheet of paper.

SECTION 7 - YOUR SIGNATURE AND AUTHORIZATION

Line 18. After you read the release, sign and date Form I-912. By doing this, you take full responsibility for the accuracy of all the information provided, including all supporting documentation. You also authorize the release of any information, including the release of your Federal tax return that USCIS needs to determine your eligibility.

NOTE: Each person applying for a fee waiver must sign and date Form I-912.

A. If you are at least 14 years of age or older, you must sign and date Form I-912.

B. Your parent or legal guardian may sign and date Form I-912 for you if you are under 14 years of age.

C. Your legal guardian may also sign and date Form I-912 for you if you are unable to sign because you are not mentally competent to manage your own affairs no matter what your age.

Filing Your Request

To file your completed Form I-912, attach it and all supporting documentation to the application(s) or petition(s) that you are submitting.

Your completed USCIS application(s) or petition(s), Form I-912, and all supporting documentation should be mailed to the USCIS office according to the "Where to File" directions identified in the application or petition form instructions to which the Form I-912 relates. Form I-912 cannot be submitted after USCIS has received the underlying application(s) or petition(s).

Additional Information

If we approve your fee waiver request, we will notify you with a notice that your application or petition has been receipted and the filing amount is \$0. If we deny your request, we will notify you with a notice rejecting your application(s) or petition(s) and an explanation of why the fee waiver request was denied. Your complete package will be returned to you. You may either resubmit your application(s) or petition(s) and fee waiver request with the required additional documentation or submit the necessary fee for the application(s) or petition(s).

Privacy Act Notice

We ask for the information on Form I-912, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-912.

Paperwork Reduction Act

Immigration laws are often complex. We try to create forms and instructions that are easy to understand and that impose the least possible burden in terms of information and evidence required. For Form I-912, we estimate that on average it will take a customer 1 hour and 10 minutes to learn about the law, the form, our process, download the form from our Web site, and complete and submit the request.

If you have any comments about this estimate, or suggestions for making the form simpler, contact: U.S. Citizenship and Immigration Services, Regulatory Products Division, Office of the Executive Secretariat, 20 Massachusetts Avenue N.W., Washington, DC 20529-2020. You can also write to the Office of Management and Budget, Paperwork Reduction Project, OMB No. 1615-0116, Washington, DC 20503. **(Do not mail your Form I-912 to either of these addresses.)**

Form I-912 (Fee Waiver Application) for Naturalization Applicants Advocate Review Quick Checklist

For more detailed review information, please see the detailed Advocate Review Guide that follows.

Form Review:

- ☐ Does the benefit the applicant receives qualify as “means-tested”?
- ☐ Was the applicant eligible for public benefits the entire time listed in Line 9?
- ☐ Did the applicant use fraudulent information to obtain public benefits?
- ☐ Did the applicant receive public benefits while outside of the U.S. for more than 30 days?
- ☐ If household income level is listed on I-912, does it seem out of line with benefits being received?
- ☐ Was the applicant ever told she needed to repay a government benefit she received?
- ☐ Review description in Line 13.
- ☐ Check for the applicant’s signature in Section 7.

Supporting Documentation Review:

Eligibility Based on **Means-Tested Benefits** (Section 4), need official document listing:

- ☐ Granting agency’s name
- ☐ Recipient’s name
- ☐ Name of the benefit
- ☐ Recent date

Eligibility Based on **Income Level** (Section 5), need proof of income:

- ☐ Most recent federal tax return, including W-2s (preferred)
 - ✓ Number of dependents on Form 1040 should match Line 10
 - ✓ Wage income on Form 1040 should match Line 11
 - ✓ If applicant is married, Form 1040 should reflect marital status
- ☐ Recent paycheck stubs (if tax return unavailable), or
- ☐ Statement from employer, dated and on letterhead, confirming salary or wages paid (if tax return unavailable)
- ☐ If no proof of income (or 1040 doesn’t accurately reflect income), must complete Section 6 of form

Eligibility Based on **Financial Hardship** (Section 6), need proof to match hardship description:

- ☐ Proof of assets listed in Line 16 (to extent possible)
- ☐ Proof of liabilities and expenses listed in Line 17 (to extent possible)
- ☐ Proof of current income: tax return (preferred), or paycheck stubs, or employment letter or description why proof is unavailable

Form I-912 (Fee Waiver Application) for Naturalization Applicants Advocate Review Guide

Because Form I-912 requests information about receipt of public benefits and income, it is important that an expert review the application carefully to make sure the submission of the form does not put the applicant at risk of being denied naturalization or losing her green card. Experts reviewing fee waiver applications should pay special attention to the following:

☐ Does the benefit the applicant receives qualify as “means-tested”?

Medicaid, TANF, SSI, Food Stamps, and SCHIP are all means-tested benefits for the purpose of the fee waiver. Other federal government programs and state programs can qualify as “means-tested.” For fee waiver purposes, “means-tested” means eligibility for the benefit, or the amount of the benefit, or both, are determined on the basis of income *and resources*, including those resources that may lawfully be deemed available to the applicant by the benefit-granting agency. For example, USCIS has approved naturalization fee waiver applications based on an applicant’s receipt of Women Infants & Children (WIC) benefits. In California, Healthy Families, CalFresh, Medi-Cal, and Cal-Works should all be considered means-tested benefits for the purposes of the fee waiver.

☐ Eligibility for benefits

☐ *Fraudulent information used on applications for public benefits?* If a naturalization applicant has lied on an application to receive a government benefit, her naturalization application can be denied on good moral character grounds.¹ If Line 9 shows that the applicant has been receiving public benefits since before becoming a permanent resident, you should determine whether she was eligible to receive them at that time.²

☐ *Received public benefits while outside of the U.S.?* Depending on the type of benefit, it may be against the rules to receive the benefit while the applicant is outside of the U.S., and this could cause a problem for a naturalization applicant’s good moral character.

☐ *If household income level is listed on I-912, does it seem out of line with benefits being received?* If the applicant is receiving public benefits, and his household income level appears on Form I-912, make sure that the income level does not seem out of line with what one would expect for someone who is eligible for public benefits.

☐ Public Charge Concerns

☐ *Was Applicant ever told that she needed to repay a government benefit she received?* This question is designed to catch whether the applicant could be deportable under the rare ground of deportability for having become a public charge. ICE rarely attempts to deport people under this ground, but because naturalization applicants may disclose information about the receipt of public benefits on Form I-912, it is important to be aware of the ground of deportability. In order for a lawful permanent resident to be deportable for having been a public charge, all of the

¹ See INA § 101(f); attached INS Los Angeles Memorandum, “Effects of Welfare Benefits to Applicants for Naturalization,” April 16, 1996, John C. Amador [LOS ADN 316] (“receipt of public assistance payments under fraudulent conditions is sufficient to support a finding of poor moral character for purposes of naturalization”).

² For information about immigrants’ eligibility for specific public benefits, see National Immigration Law Center’s “Overview of Immigrant Eligibility for Federal Programs” and “Major Benefit Programs Available to Immigrants in California,” available at www.nilc.org.

following criteria must have been met within five years of the applicant's entry into the United States³:

- Applicant received cash public assistance (such as welfare) and primarily depended on public cash assistance for subsistence, **or** was institutionalized for long-term care at public expense.
- The reason why the applicant received public benefits arose before the applicant's entry to the U.S.

Example: if an applicant was injured and required the use of a wheelchair in her home country, and subsequently received public benefits in the U.S. because of her disability, she satisfies this requirement. However, if the applicant became disabled after entering the U.S., ICE cannot deport her for having become a public charge.

- The law providing for the public benefit is written in such a way that the recipient (or designated relative or friend) has a legal debt to the government agency that provided the benefit. Most programs, such as SSI or TANF do not create a debt for the recipient.
- The government demanded payment from the applicant (or a designated relative or friend) for the public benefits that the applicant received.
- Applicant (or designated relative or friend) failed to pay the charges demanded.⁴

☐ **Supporting Documentation**

☐ **Eligibility Based on Means-Tested Benefits (Section 4)**

Make sure that the fee waiver application includes proof of the receipt of the benefit in the form of a letter, notice, or other official document listing:

- Granting agency's name
- Recipient's name
- Name of the benefit
- Recent date

☐ **Eligibility Based on Income Level (Section 5)**

Make sure that the fee waiver application includes proof of income. Any of the following may be used, but a federal tax return should be included if available.

³ See INA § 237(a)(5); *Matter of B-*, 3 I&N Dec. 323 (BIA and AG, 1948); Immigration and Naturalization Service, "Field Guidance on Deportability and Inadmissibility on Public Charge Grounds," 64 Fed. Reg. 28689-93 (March 26, 1999).

⁴ For more information regarding public charge, see National Immigration Law Center's "Federal Guidance on Public Charge: When is it Safe to Use Public Benefits?," available at www.nilc.org.

- Copy of most recent federal tax return, including W-2s
 - ✓ Number of dependents on Form 1040 should match Line 10
 - ✓ Wage income on Form 1040 should match Line 11
 - ✓ If Applicant is married, Form 1040 should reflect marital status
- If tax return is unavailable, other proof of income such as:
 - ✓ Recent paycheck stubs
 - ✓ Statement from employer, dated and on letterhead, confirming salary or wages paid

❑ Eligibility Based on Financial Hardship (Section 6)

An expert should always review the applicant's description in Line 13. The description should include information on income and a detailed explanation of the unusual expenses or other circumstances that render the applicant unable to pay the \$680 fee.

Sample description: I am 72 years old and live in a small one-bedroom apartment in East San Jose, California. Since I went into retirement five years ago, I have depended solely on my social security benefits. These benefits, however, barely keep up with the high cost of living in San Jose. In addition, we recently declared bankruptcy because of insurmountable debt, a result of litigation from a decade ago. I am physically disabled. I have been unable to work after I suffered a severe injury to my thigh five years ago. I receive some disability insurance from the state, however, this is only a fraction of the income I once had. My total income is \$960 per month, and it is the only income for my husband and me. My husband, age 84, does not work. Thus, my social security benefits are the only source of income. My income is barely enough to cover our living expenses. In addition to our living expenses, we are faced with monthly medical bills related to my therapy. This has severely strained our limited financial resources. For the past few months I have tried to save enough money to pay the fee for my application, but there is just isn't enough money by the end of the month. If I do not qualify for this fee waiver, I will never become a United States citizen.

Make sure the hardship description is supported by documentation such as:

- Documentation of the assets listed in Line 16 (to the extent possible)
- Documentation of the liabilities and monthly expenses listed in Line 17 (to the extent possible)
- Documentation of current income. If the applicant cannot provide evidence of income (in the form of a tax return, paycheck stubs, or employment letter), the description in Line 13 should explain why such evidence is unavailable. Affidavits from churches or other community-based organizations indicating that the applicant is currently receiving some benefit from that entity (such as a food basket, access to a clothes closet, or help with bill payments) may be used as evidence of income.

❑ Applicant's Signature in Section 7

Memorandum



PLEASE NOTE: This is a good summary of the way many INS naturalization offices handle an applicant's receipt of public benefits. All offices should adopt this policy. (This note was written by the ILRC in May, 1997.)

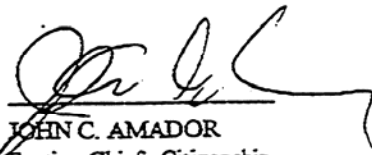
Subject	Date
Effects of Welfare Benefits to Applicants for Naturalization	April 16, 1996
To	From
All District Adjudications Officers /Citizenship	Office of the Section Chief, Citizenship

Naturalization cases involving the recipients of welfare, should not be continued for letters from the Department of Social Services or the Social Security Administration unless fraud is suspected. Cases should also not be continued solely because the applicants are the recipients of public assistance. An increasing trend has been noted to continue these type of cases with no justifications noted on the work sheet. Please note the file as to your justifications for future reference.

Fraudulent acts involve moral character and are sufficient to sustain a finding of poor moral character. Further, receipt of public assistance payments under fraudulent conditions is sufficient to support a finding of poor moral character for purposes of naturalization. See O.I. 316.1(F)(8).

The mere receipt of Supplemental Security Income is not a cause for denying an applicant for naturalization. A review of the Service file and any affidavits of support and or visa applications should assist you in making a prompt decision. Refugees and asylees granted permanent residence status, are often the recipients of public assistance to which they are entitled by law. Such individuals should not be made to feel guilty by the interviewing adjudicator in having accepted or filed for public assistance. A review of the file and a few questions should assist you in reaching a prompt adjudication.

Your cooperation in this request should lead to a decrease in the number of cases continued without sufficient reason or justification.


JOHN C. AMADOR
Section Chief, Citizenship

cc: ADDA

Form G-2
(Rev. 1-2-82)



U.S. Citizenship and Immigration Services

Fee Waiver Guidance

U.S. Citizenship and Immigration Services (USCIS) is funded largely by application and petition fees. Waiving a fee transfers the cost of processing the application and petition for free to others through higher fees. However, we recognize that some individuals may not be able to pay the filing fee. This page contains an introduction to the USCIS fee waiver policies and procedures and links to more specific guidelines.

Fee Waiver Guidance

USCIS developed Form I-912, Request for Fee Waiver, in an effort to facilitate the fee waiver request process. USCIS will continue to consider applicant-generated fee waiver requests (i.e., those not submitted on Form I-912) that comply with 8 CFR 103.7(c). Form I-912 instructions give information on the methodology that USCIS uses to make a decision on a fee waiver request, whether the request is submitted on Form I-912 or via an applicant-generated written statement requesting a fee waiver. The instructions provide applicants with guidance on properly completing Form I-912 and submitting supporting documentation.

The review of any fee waiver request will follow a series of steps to determine whether the applicant's income level or financial condition makes him or her eligible for the fee waiver.

Step 1. Are you receiving a means-tested benefit? This step instructs an applicant about various acceptable means-tested benefits and the kinds of acceptable evidence used to document the receipt of a means-tested benefit. This step also outlines which family members will be considered as eligible for a fee waiver based upon the primary applicant's receipt of a means-tested benefit. If you are receiving a means-tested benefit and you have provided sufficient evidence with your fee waiver request, your fee waiver will normally be approved and no further information is required.

Step 2. Is your household income at or below 150% of the Federal Poverty Guidelines at the time of filing? This step instructs an applicant about what is acceptable evidence in determining household income. It also specifies what family members should be included when determining household size. If you have provided sufficient evidence that your household income is at or below the 150 % threshold, your fee waiver will normally be approved.

Step 3. Do you have some financial hardship situation that you would want USCIS to consider when determining eligibility for a fee waiver? This step allows an applicant to list any special circumstances that USCIS should consider in addition to income such as extraordinary expenses and liabilities.

Forms Eligible for Fee Waiver

You may request a fee waiver based on an inability to pay for the following:

1. **General Fee Waivers:** I-90, I-191, I-751, I-765, I-817, I-821, I-881, N-300, N-336, N-400, N-470, N-565, N-600, N-600K; and

2. Humanitarian Fee Waivers: any fees associated with the filing of any benefit request by a VAWA self-petitioner or an alien who has or is requesting a T visa or U visa; is a battered spouse of A, G, E-3, or H nonimmigrant, or a battered spouse or child of a lawful permanent resident or U.S. citizen; or has Temporary Protected Status. This would include filings not otherwise eligible for a fee waiver or eligible only for a conditional fee waiver such as Forms I-212, I-485, I-539, and I-601.

3. Conditional Fee Waivers: If not listed above, you may request a fee waiver subject to the following conditions:

a. I-131 – only if applying for humanitarian parole (i.e., only for persons located overseas who are applying for an Advance Parole Document, Application Type “e” or “f” in Part 2);
b. I-290B – only if the underlying application was fee exempt, the fee was waived, or it was eligible for a fee waiver; and
c. In addition, an applicant who does not have to show he or she will not become a public charge for admission or adjustment of status purposes according to section 212(a)(4) of the INA may request a waiver of the following fees:

- I-192,
- I-193,
- I-485 (This would include but not be limited to an I-485 from a “Registry” applicant, an asylee, Special Immigrant Juvenile, an application under the Cuban Adjustment Act, the Haitian Refugee Immigration Fairness Act, and the Nicaraguan Adjustment and Central American Relief Act, or similar provision, or; a Lautenberg Parolee), and
- I-601.

4. Biometric services in connection with any application or petition, regardless of whether it is listed above.

NOTE: Granting of a fee waiver is at the sole discretion of USCIS.

Forms with Fee Exemptions

- USCIS has determined that some applications and petitions should be designated as fee exempt. Please reference the G-1055, USCIS Fee Schedule, or specific form instructions for more information regarding application and petition fees.

Fee Waiver Requests for Initial Temporary Protected Status (TPS) Registration

If...

Your TPS application is received before the registration deadline, and your Request for Individual Fee Waiver, Form I-912 (or a written request) is denied,

Your TPS application package is received on or before the registration deadline, and your Request for Individual Fee Waiver, Form I-912 (or a written request) is denied on or after the registration date,

Then...

You may re-file your application with the required fee or a new fee waiver request, on or before the registration deadline.

You will be given 45 days to re-file your application package and required fee or a new fee waiver request. Your application package will be considered timely filed provided the application package is received within 45 days of the date on the fee waiver denial notice.

Your resubmitted TPS application package is received after the registration deadline, and it contains a new Request for Individual Fee Waiver, Form I-912 (or a written request) that is later denied,

Your application will be rejected and you will not be able to register for TPS due to the expiration of the registration period.

This page can be found at <http://www.uscis.gov/feewaiver>

Last updated: 11/22/2010



U.S. Citizenship
and Immigration
Services

March 13, 2011

PM-602-0011.1

Policy Memorandum

SUBJECT: Fee Waiver Guidelines as Established by the Final Rule of the USCIS Fee Schedule; Revisions to *Adjudicator's Field Manual (AFM)* Chapter 10.9, *AFM* Update AD11-26

Purpose

This Policy Memorandum (PM) provides guidance on processing fee waiver requests filed pursuant to 8 CFR 103.7(c) as amended by changes made in the final rule "U.S. Citizenship and Immigration Services Fee Schedule," published in the *Federal Register* (FR) on September 24, 2010. See 75 FR 58961.

Scope

Unless specifically exempted herein, this PM applies to and is binding on all USCIS employees. This PM supersedes and rescinds all preceding fee-waiver guidance, including the following memoranda:

- Michael A. Pearson memorandum, *Fee Waiver Relating to Employment Authorization for Victims of Trafficking*, dated May 25, 2001
- William R. Yates memorandum, *Adjustment of Fees of the Immigration Examinations Fee Account*, dated February 1, 2002
- Johnny N. Williams memorandum, *Fee Surcharges and Refund of Fee Surcharges*, dated January 23, 2003
- William R. Yates memorandum, *Correction regarding the fees for filing Form N-600, Application for Certificate of Citizenship, and Form N-600K, Application for Citizenship and Issuance of Certificate under Section 322*, dated July 23, 2003
- William R. Yates memorandum, *Field Guidance on Granting Fee Waivers Pursuant to 8 CFR 103.7(c)*, dated March 4, 2004
- William R. Yates memorandum, *Adjustment of the Immigration Benefit Application Fee Schedule*, dated April 15, 2004
- William R. Yates memorandum, *Fee Waivers for Hurricane Katrina Victims*, dated September 19, 2005
- Don Neufeld memorandum, *Adjustment of the Immigration Benefit Application Fee Schedule*, dated July 12, 2007

- Don Neufeld memorandum, *Fee Waiver Guidelines as Established by the Final Rule of the Immigration and Naturalization Benefit Application and Petition Fee Schedule, Revisions to Adjudicators' Field Manual (AFM) Chapters 10.9(a) (AFM Update AD07-19)*, dated July 20, 2007
- Michael L. Aytes and Rendell Jones memorandum, *Fee Waivers for Victims of Southern California Wildfires*, dated November 27, 2007

Authority

This PM is issued under the authority of Title 8 CFR 103.7(c) and INA section 286(m).

Background

The final rule “U.S. Citizenship and Immigration Services Fee Schedule,” effective November 23, 2010, establishes a new fee schedule for immigration-benefit requests. It also amends the regulations governing fee-waiver eligibility. USCIS has developed the new Form I-912, Request for Fee Waiver, in an effort to facilitate the fee-waiver request process. The form will become available for public use on November 23, 2010. As the use of a USCIS-published fee-waiver request form is not mandated by regulation, USCIS will continue to consider applicant-generated fee-waiver requests (i.e., those not submitted on Form I-912) that comply with 8 CFR 103.7(c).

Policy

It is USCIS policy that individuals may apply for and be granted a fee waiver for certain immigration benefits and services based on an inability to pay. Please consult the revisions to *AFM* Chapter 10.9 in this PM for the complete list of forms and services that are eligible for a fee waiver.

Implementation

USCIS released Form I-912 to provide a standard means for submitting fee-waiver requests. The form is intended to bring clarity and consistency to the fee-waiver process. The Form I-912 instructions provide applicants with guidance on properly completing Form I-912 and submitting supporting documentation. The Form I-912 instructions also give information on the methodology that USCIS uses to make a decision on a fee-waiver request. USCIS uses the same methodology whether the request is submitted on a Form I-912 or via an applicant-generated request. USCIS will continue to consider applicant-generated fee-waiver requests (i.e., those not submitted on Form I-912), but those requests must meet the criteria described in *AFM* Chapter 10.9 in order for the fee to be waived. All pending and newly submitted fee waiver requests will be reviewed under the guidelines in that chapter.

In general, fee-waiver requests will be reviewed by considering, in a step-wise fashion, whether the applicant is receiving a means-tested benefit, whether the applicant’s household income level renders him or her unable to pay, or whether recent financial hardship otherwise renders him or her unable to pay. This PM also provides examples of required or acceptable supporting documentation.

Revisions to the *AFM*

1. Effective March 13, 2011, Chapter 10.9 of the *AFM* is revised to read:

10.9 Waiver of Fees.

(a) Submission of Request. A person requesting a waiver of fees for an application, petition, appeal, motion, service or other matter may submit either a **Form I-912, Request for Fee Waiver**, or a written request for permission to have their immigration benefit request processed without payment of the required fee as provided in **8 CFR 103.7(c)** and this chapter. There is no fee required for filing a fee-waiver request.

(1) Applicability. These guidelines apply to filing fees for those applications, petitions, motions, and requests contained in 8 CFR 103.7(b)(1)(i) and (c).

(2) General Fee Waivers. USCIS may waive fees for the following based on an inability to pay:

- Biometrics services fee;
- Form I-90, Application to Replace Permanent Resident Card;
- Form I-191, Application for Advance Permission to Return to Unrelinquished Domicile;
- Form I-751, Petition to Remove Conditions on Residence;
- Form I-765, Application for Employment Authorization;
- Form I-817, Application for Family Unity Benefits;
- Form I-821, Application for Temporary Protected Status;
- Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-100 (NACARA));
- Form N-300, Application to File Declaration of Intention;
- Form N-336, Request for a Hearing on a Decision in Naturalization Proceedings (Under Section 336 of the INA);
- Form N-400, Application for Naturalization;
- Form N-470, Application to Preserve Residence for Naturalization Purposes;
- Form N-565, Application for Replacement of Naturalization/Citizenship Document;
- Form N-600, Application for Certification of Citizenship; and
- Form N-600K, Application for Citizenship and Issuance of Certificate under Section 322.

(3) Conditional Fee Waivers. If the application or petition is not listed in paragraph (a)(2) of this chapter, USCIS may waive a fee based on an inability to pay and subject to the conditions specified:

- Form I-131, Application for Travel Document, only for those applying for humanitarian parole (i.e., only for persons that are applying for an Advance Parole Document under Application Type “e” or “f” in Part 2 of the Form I-131);
- Form I-192, Application for Advance Permission to Enter as Nonimmigrant for an applicant who is exempt from the public charge grounds of inadmissibility of section 212(a)(4) of the Immigration and Nationality Act (INA), either by statute or by policy;
- Form I-193, Application for Waiver for Passport and/or Visa for an applicant who is exempt from the public charge grounds of inadmissibility of section 212(a)(4) of the INA, either by statute or by policy;
- Form I-290B, Notice of Appeal or Motion, if the underlying application was fee exempt, the fee was waived, or it was eligible for a fee waiver;
- Form I-485, Application To Register Permanent Residence or Adjust Status, for the following individuals:
 - An Afghan and Iraqi Interpreter who has received a Special Immigrant Visa;
 - A “Registry” applicant filing under section 249 of the INA who has maintained continuous residence in the United States since before January 1, 1972; or
 - An applicant who is exempt from the public charge grounds of inadmissibility under section 212(a)(4) of the INA, including but not limited to the following circumstances:
 - Applications filed by asylees under section 209(b) of the INA;
 - Applications for Special Immigrant Juveniles;
 - Applications under the Cuban Adjustment Act, the Haitian Refugee Immigration Fairness Act (HRIFA), and the Nicaraguan Adjustment and Central American Relief Act (NACARA), or similar provisions; and
 - Applications filed by Lautenberg Parolees.
- Form I-601, Application for Waiver of Grounds of Inadmissibility for an applicant who is exempt from the public charge grounds of inadmissibility of section 212(a)(4) of the INA.

(4) Humanitarian Fee Waivers. Based on an inability to pay, USCIS may waive any fees associated with the filing of any benefit request by a VAWA self-petitioner or under sections 101(a)(15)(T) (T visas), 101(a)(15)(U) (U visas), 106 (battered spouses of A, G, E-3, or H nonimmigrants), 240A(b)(2) (battered spouse or child of a lawful permanent resident or U.S. citizen), and 244(a)(3) (Temporary Protected Status), of the Act (as in effect on March 31, 1997). This would include filings not otherwise eligible for a fee waiver or eligible only for conditional fee waivers such as Forms I-212, I-485, I-539, and I-601.

(5) Documentation. Whether the request is submitted on **Form I-912** or in the form of a written statement, the applicant may submit additional documentation to provide proof of his or her inability to pay. Fee-waiver requests should be decided based upon the request for a fee waiver and any additional documentation submitted in support of the fee waiver request. A fee-waiver request may be approved in the

absence of such additional documentation provided that the applicant's request is sufficiently detailed to substantiate his or her inability to pay the fee. If USCIS determines that the individual did not substantiate his or her inability to pay, then the fee waiver request should be denied.

(6) Submission of Both Fee and Fee Waiver Request. When a form is submitted with both the appropriate fee for the form and a fee-waiver request, the form should be processed, if otherwise acceptable, as properly filed with fee. No subsequent consideration should be given to, nor action taken on the fee-waiver request.

(b) Review of Request.

(1) Inability to Pay. Each fee-waiver request is unique and should be considered on its own merits. A fee-waiver request may be granted when USCIS has determined that the individual is unable to pay the fee. Inability to pay the fee is based on the individual's overall financial picture and household situation, as may be established according to the steps and criteria described below.

(2) Determining Inability to Pay and Adjudicating the Fee-Waiver Request. In determining whether the individual is unable to pay the fee and should be granted a fee waiver, the USCIS employee must proceed according to the following steps and criteria:

- Step 1. Is the individual receiving a means-tested benefit?
 - The individual may demonstrate that he or she is receiving a "means-tested benefit." A means-tested benefit is a benefit where a person's eligibility for the benefit, or the amount of the benefit, or both, are determined on the basis of the person's income and resources, including those that may lawfully be deemed available to the person by the benefit-granting agency. Examples of means-tested benefit programs are Supplemental Nutrition Assistance Program, Medicaid, Supplemental Security Income, and Temporary Assistance for Needy Families.
 - To demonstrate that the individual (or the individual's spouse or the head of the household in which the individual resides) is receiving a means-tested benefit, the applicant should provide proof in the form of a letter, notice, or other official document(s) containing the name of the agency granting the benefit. The document(s) submitted must show the name of the recipient of the means-tested benefit and the name of the benefit received.
 - If the individual provides sufficient proof of the means-tested benefit, the fee waiver will normally be approved, and no further information will be required.

- Step 2. Is the individual's household income at or below 150 percent of the Federal Poverty Guidelines at the time of filing?
 - The individual may demonstrate that his or her household income, on which taxes were paid for the most recent tax year, is at or below 150 percent of the Federal Poverty Level as established in the most recent poverty guidelines. Those guidelines are revised annually by the Secretary of Health and Human Services and are available at <http://aspe.hhs.gov/poverty>. For fee-waiver review purposes, a household may include an applicant, spouse, parent(s) living with the applicant, and any of the following family members:
 - An unmarried child or legal ward under 21 years of age living with the applicant;
 - An unmarried child or legal ward over 21 years of age but under 24 years of age who is a full-time student and living with the applicant when not at school; or
 - An unmarried child or legal ward for whom the applicant is the legal guardian because the individual is physically or mentally disabled to the extent that he or she cannot adequately care for him or herself and cannot establish, maintain, or re-establish his or her own household.
 - The applicant may submit documentation as follows to demonstrate that his or her household income is at or below 150 percent of the Federal Poverty Guidelines at the time of filing:
 - Evidence of current employment or self-employment such as recent pay statements, W-2 forms, statement(s) from the individual's employer(s) on business stationery showing salary or wages paid, or income tax returns (proof of filing of a tax return).
 - Documentation establishing other financial support or subsidies – such as parental support, alimony, child support, educational scholarships and fellowships, pensions, Social Security, veteran's benefits, etc. Financial support or subsidy may include monetary contributions for the payment of monthly expenses received from adult children, dependents, and other people who are living in the individual's household, etc.
 - If available, the individual's Federal tax return(s), listing the members of the household.
 - If the applicant is filing on behalf of, or as a Special Immigrant Juvenile (SIJ), the fee waiver request should be supported by one of the following forms of evidence:
 - A recent state or juvenile court order establishing dependency or custodial assignment of the SIJ; or
 - A letter from a foster care home or similar agency overseeing the SIJ's custodial placement that describes the SIJ's inability to pay; or

- An approval notice on a Form I-797, Notice of Action, for a Form I-360, filed for the SIJ.
- If the individual provides sufficient proof that his or her household income is at or below 150 percent of the Federal Poverty Guidelines at the time of filing, the fee waiver will normally be approved, and no further information will be required.
- Step 3. Is the individual under financial hardship, due to extraordinary expenses or other circumstances, that renders the individual unable to pay the fee?
 - The individual may demonstrate that he or she is under financial hardship due to extraordinary expenses or other circumstances affecting his or her financial situation to the degree that he or she is unable to pay the fee. Examples include unexpected and uninsured (or underinsured) medical bills, situations that could not normally be expected in the regular course of life events, or a medical emergency or catastrophic illness affecting the individual or the individual's dependents. If the individual is under financial hardship, the individual should demonstrate that he or she has suffered a sufficiently negative financial impact as a result of this hardship in a reasonably recent period preceding the filing of the fee-waiver request so as to render the applicant's income during that period insufficient to pay the fee.
 - The applicant may submit documentation as follows to demonstrate that he or she is under financial hardship that renders him or her unable to pay the fee:
 - Documentation of all assets owned, possessed, or controlled by the individual and by his or her dependents. Assets include real estate, property, cash, checking and savings accounts, stocks, bonds, and annuities (except for pension plans and Individual Retirement Accounts (IRAs)).
 - Documentation concerning liabilities and expenses owed by the individual and his or her dependents, and any other expenses for which the individual is responsible. Liabilities and expenses include the cost of rent, mortgages, lease, the average monthly cost of food, utilities, child care and elder care, medical expenses, any tuition costs, commuting costs, and monthly payments of any lawful debts.
 - If the applicant cannot provide evidence of income, he or she should provide a description of the financial hardship and why he or she cannot provide any evidence of income. Affidavits from churches and other community-based organizations indicating that the applicant is currently receiving some benefit from that entity may be used as evidence of income.

- Any other documentation or evidence that demonstrates the individual's inability to pay the fee based on his or her overall financial picture and household situation.
- In reviewing all documentation and information submitted, consider whether cash or assets exist aside from income which could be liquidated without the applicant incurring a hardship. For example, the applicant may own stocks or other assets that could be easily liquidated.

(c) Processing Fee Waiver Requests.

(1) Effective Date. As of November 23, 2010, all pending and newly submitted fee waiver requests must be reviewed under these guidelines. These guidelines apply only to application and petition filing fees contained in **8 CFR 103.7(b)**.

(2) Notation on Form. After careful review of the fee-waiver request and supporting documentation, the fee-waiver approval or denial should be recorded in the receipt block of the underlying form for which the applicant is requesting a fee waiver. The fee-waiver decision should also be noted on the **Form I-912, Request for Fee Waiver**, if that is how the applicant submitted the request. In addition, the signature of the approving officer and any relevant comments should be written on the Form I-912. If the fee-waiver request is denied, send the applicant Form G-1054, Request for Fee Waiver Denial Letter. If reviewing an electronic version of the fee-waiver request, record the fee-waiver approval or denial in an electronic system and note the name of the USCIS employee making the fee-waiver decision.

2. The *AFM* **Transmittal Memoranda** button is revised by adding, in numerical order, the following entry:

AD 11-26 03/13/2011	Chapter 10.9	Provides guidance on considering and approving requests for fee waivers.
------------------------	---------------------	--

Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions or suggestions regarding this PM should be addressed through appropriate channels to Headquarters Management Directorate, Office of Intake and Document Production.