

## USCIS Response to Coronavirus 2019 (COVID-19)



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## USCIS Updates Fee Waiver Requirements

**WASHINGTON** — U.S. Citizenship and Immigration Services has revised [Form I-912, Request for Fee Waiver](#), by removing the means-tested benefit criteria that was previously used as a factor in determining whether an applicant was exempt from paying for filing fees or biometric services. Individuals may still request a fee waiver if their documented annual household income is at or below 150% of the Federal Poverty Guidelines or they demonstrate financial hardship.

A means-tested benefit is a public benefit—offered by federal, state, or local agencies—for which eligibility and amount considerations are based on a person’s income and resources. USCIS formerly considered Medicaid, Supplemental Nutrition Assistance Program, Temporary Assistance to Needy Families, and Supplemental Security Income during eligibility evaluations.

USCIS has determined that receiving a means-based benefit is not an appropriate criteria in reviewing fee-waiver requests because income levels used to decide local assistance eligibility vary greatly from state to state.

“USCIS relies on fees to cover the costs of adjudicating applications and petitions, implementing operational efforts, and ensuring the nation’s lawful immigration system is properly administered,” said USCIS Acting Director Ken Cuccinelli. “USCIS waives hundreds of millions of dollars in fees annually. The revised fee waiver process will improve the integrity of the program and the quality and consistency of fee waiver approvals going forward. Providing clear direction to agency adjudicators for more uniform determinations will help us to uphold our mission of efficiently and fairly adjudicating immigration requests.”

USCIS has estimated that the annual dollar amount of fee waivers increased from around \$344.3 million in fiscal year 2016 to \$367.9 million in FY 2017. In FY 2018, the estimated annual dollar amount of fee waivers USCIS granted was \$293.5 million. Fee revenues account for more than 95% of the USCIS budget.

Under the revised criteria, individuals may still request a fee waiver if:

- Their documented annual household income is at or below 150% of the Federal Poverty Guidelines; or
- They demonstrate financial hardship.

However, USCIS will require applicants to complete Form I-912 and submit supporting documentation, including federal income tax transcripts. USCIS will not accept a letter stating the applicant is unable to afford filing fees or biometric services without a completed Form I-912.

As of Dec. 2, those seeking a fee waiver must submit the 10/24/19 version of this form to request a waiver of a required fee for immigration benefits. After Dec. 2, USCIS will reject any Form I-912 with an edition date of 03/13/18 or earlier, a fee waiver request submitted with a letter, or documentation of receipt of means-tested benefit to show eligibility for a fee waiver. USCIS will adjudicate any fee waiver request postmarked before Dec. 2 under the previous policy, [AFM 10.9, Waiver of Fees](#).

The new form does not change the applications and petitions that are eligible for a fee waiver. For the list of eligible applications and petitions, see the Form I-912 Instructions. In addition, USCIS has [updated policy guidance \(PDF, 306.19 KB\)](#) in the [USCIS Policy Manual](#) to accompany this form revision. The updated policy guidance is effective on Dec. 2.

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