



NATURALIZATION REDUCED FEE OPTION AND FEE WAIVER

Practice Advisory

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Introduction

Effective December 23, 2016, United States Citizenship and Immigration Services (USCIS) increased the filing fee for Form N-400, Application for Naturalization, to \$640 (not including the biometric fee, if applicable¹). For some individuals, the filing fee makes an application for naturalization insurmountable. However, there are two options that mitigate the costs associated with the Form N-400: the reduced fee option for the N-400 and the USCIS fee waiver that can be used for a number of USCIS forms including the N-400 Application for Naturalization. This practice advisory looks at both the reduced fee option and the fee waiver, and provides resources and tips for completing either application.

Fees, Fee Waivers, and the Reduced Fee Option

In October 2016, USCIS published a new fee schedule that took effect on December 23, 2016.²

The new fee schedule created three levels of fees for the Form N-400, Application for Naturalization:

- The standard fee of \$640 (reflecting a \$45 increase over the previous \$595 fee). The filing fee does not include the biometric services fee, which remains set at \$85, for a total fee of \$725.
- A reduced fee of \$320 (Form I-942) is available for naturalization applicants with a family income greater than 150 percent but not more than 200 percent of the Federal Poverty Guidelines. An applicant granted a reduced fee will still be required to pay the full biometric services fee of \$85, for a total fee of \$405.
- A fee waiver (Form I-912) is available to applicants with a family income no greater than 150 percent of the Federal Poverty Guidelines and if it is granted, the applicant will not need to pay the filing fee for the Form N-400 or the \$85 biometric services fee, for a total fee of \$0.

USCIS has implemented electronic filing for some forms, including the N-400.³ However, applicants requesting a reduced fee or a fee waiver must submit a printed N-400 application (along with the reduced fee or fee waiver request) through the mail.

¹ Applicants 75 years of age or older do not need to pay a biometric services fee. See Instructions for Application for Naturalization (12/23/16), "What Is the Filing Fee" (p. 14), available at https://www.uscis.gov/system/files_force/files/form/n-400instr.pdf (last visited Aug. 2017). Since September 2016, USCIS has required all naturalization applicants, including those 75 and older, to provide biometrics. On July 26, 2017, USCIS issued a policy alert updating the USCIS policy manual with this requirement. See Policy Alert: Biometrics Requirements for Naturalization (July 26, 2017), available at <https://www.uscis.gov/policymanual/Updates/20170726-NaturalizationBiometrics.pdf> (last visited Aug. 2017). See also USCIS Policy Manual Vol. 12 – Citizenship & Naturalization, Part B, Ch. 2 – Background and Security Checks, at (B)(2), available at

<https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartB-Chapter2.html> (last visited Aug. 2017). As of the date of this Practice Advisory, USCIS has informed the ILRC that it plans to post written responses on its website addressing questions related to the biometrics requirements for individuals 75 and older but that no individual 75 or older should be charged a biometrics fee for the naturalization application. The ILRC will provide further guidance as it becomes available. Please contact the ILRC if you encounter problems with the implementation of the policy.

² 8 CFR § 103.7(b)(1)(i)(BBB).

³ The N-400 section of the USCIS website (<https://www.uscis.gov/n-400>) has a link to the online portal, which is available at <https://myaccount.uscis.dhs.gov/>.

Reduced Fee

In December 2016, USCIS instituted a reduced fee option for certain individuals whose income puts them above the threshold for a fee waiver but whose income remains too low for them to afford the full cost of the filing fee for the naturalization application.

Applying for the Reduced Fee Option

Unlike the USCIS fee waiver, which is available for a number of immigration forms and services, the reduced fee option only applies to the N-400, Application for Naturalization. If an applicant meets the income requirements for the reduced fee option, he will need to complete the Form I-942, Request for Reduced Fee, and submit it at the same time as the completed N-400, Application for Naturalization. The application for the reduced fee option **must** be made on the Form I-942.⁴ If an applicant applies for the reduced fee, he should **not** also apply for the fee waiver.

TIP: An applicant cannot apply for a full fee waiver and a reduced fee at the same time. Some applicants might want to pursue a full waiver before pursuing the reduced fee. However, this approach is likely to extend the overall application process, and advocates should discuss timing issues with applicants. Advocates should also ensure that applicants who choose to submit a fee waiver understand the process and the need to reapply (resubmit an N-400) using the I-942 if USCIS denies the I-912.

Example: Lara is applying for naturalization. Her household income, for a family of four, is \$38,000, which is more than 150 percent of the Federal Poverty Guidelines in 2017 (\$36,900). Lara explains that she cannot afford even the reduced fee right now. One of

Lara's children has had extraordinary medical expenses, leaving the family stretched, with insufficient income to pay the fee and no assets. Lara could try submitting her N-400 with a fee waiver application based on financial hardship, explaining and documenting the extraordinary medical costs associated with her child's care. At the same time, Lara could be referred to a lending circle⁵ or credit union offering citizenship loans,⁶ so she can be prepared to resubmit her N-400 with the request for a reduced fee in case her fee waiver application is denied.

To access the Form I-942 and its instructions, visit <https://www.uscis.gov/i-942>.

Eligibility

To qualify for the reduced fee option, an individual must have an annual household income greater than 150 percent but not more than 200 percent of the Federal Poverty Guidelines.⁷ Form I-942P, Income Guidelines for Reduced Fees, available at <https://www.uscis.gov/i-942p>, provides the parameters for determining if an applicant is eligible. This calculation is based on household income, not just the applicant's income, taking into account household size.

TIP: The instructions for the I-942 provide a clear explanation of who counts as a household member. The applicant, the head of household⁸ (if other than the applicant), and the applicant's spouse, parents, certain unmarried children, and other dependents are all considered to be household members. If spouses are not living together, the separate spouse's income does not count toward the household unless the spouse contributes income to the applicant's household. IRS Publication 501 can also help with terms such as "head of household" and "dependents" (see link at the end of this Practice Advisory).

⁴ By contrast, Form I-912, Request for Fee Waiver, is an optional form. The ILRC recommends using the form for practical reasons, but there is no legal requirement that fee waiver applications be made on the official form. 8 CFR § 103.7(c)(2). USCIS will accept and adjudicate applicant-generated fee waiver requests. See USCIS Policy Memorandum, *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*, March 13, 2011, available at https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2011/March/FeeWaiverGuidelines_Established_by_the_Final%20Rule_USCISFeeSchedule.pdf (last visited Mar. 2017). See also USCIS Adjudicator's Field Manual, Chapter 10.9—Waiver of Fees. <https://www.uscis.gov/ilink/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-1067/0-0-0-1582.html#0-0-0-288> (last visited Mar. 2017).

⁵ For one example of a lending circle, see the Mission Asset Fund: <http://missionassetfund.org/>.

⁶ UnidosUS maintains a list of credit unions offering citizenship loans. See <https://www.unidosus.org/Assets/uploads/files/immigration/Citizenship%20Loans%20Programs-NCLR.pdf> (last visited Aug. 2017).

⁷ The Federal Poverty Guidelines are published each year in the Federal Register. See <https://aspe.hhs.gov/poverty-guidelines>. If an individual with an income below 150 percent of the Federal Poverty Guidelines mistakenly applies for a reduced fee rather than a fee waiver, USCIS will calculate the household income, return the fee, and adjudicate the case with the fee waived.

⁸ The head of household is the individual in the household who earns the majority of the household's income. This could be the applicant or another household member.

TIP: “Income” for purposes of both the I-942 and the I-912 is Adjusted Gross Income (AGI), which is line 37 on IRS Form 1040. Alimony payments may be deducted for purposes of calculating income. However, child support payments are not deductible.

Application Procedure

To apply for the reduced fee, an applicant must submit a completed and signed Form I-942 along with the completed N-400 Application for Naturalization and any supporting evidence or documentation. The applicant must also submit the reduced filing fee payment and biometric fee payment for the N-400.

Each section of Form I-942 must be properly completed and any evidence or supporting documentation included in the application must be in English or accompanied by a certified translation into English. See discussion of the English language requirement in the section on the I-912, below.

Additional information on applying for the reduced fee, calculating household size, the impact of marital separation, and the impact of Affidavits of Support can be found at <https://www.uscis.gov/reduced>.

NOTE: As with the current version of the Form I-912, Request for Fee Waiver, multiple individuals from the same household who are applying for naturalization **at the same time** can complete one single reduced fee request. Each individual who is requesting a reduced fee must sign the I-942. If multiple family members are using one reduced fee application, all naturalization applications must be submitted together as one packet. As a reminder, naturalization applicants applying for a reduced fee must submit a paper application.

TIP: Part 2 of the Request for a Reduced Fee, *Information About Family Members Filing This Request With You*, requires only the name(s) of the individuals in the households **who are applying for the reduced fee** (and also applying for naturalization). These same individuals must also sign and date Part 4 of the form. Household members whose income the applicant is providing in Part 3 but who are not applying for the reduced fee do not need to be listed in Part 2 and do not need to sign the form.

⁹ For a list of the USCIS forms, applications, and petitions eligible for a fee waiver, see 8 CFR § 103.7(c)(3). See also USCIS Adjudicator’s Field Manual, Chapter 10.9—Waiver of Fees.

Denials of the Request for a Reduced Fee are not appealable. However, an applicant may try again by re-submitting the I-942 and the N-400 with more documentation in support of the reduced fee request (and with the appropriate payment). Alternatively, she may re-submit the N-400 with the full fee payment.

Fee Waiver

In November 2010, USCIS introduced a standardized form, Form I-912, for requesting fee waivers for various immigration forms and petitions, including naturalization.⁹ The most recent version of the form was updated in April of 2016 but previous versions of the form are accepted. Applicants may still submit applicant-generated fee waiver requests (i.e., requests that are not submitted on Form I-912, such as a letter or an affidavit) that comply with 8 CFR § 103.7(c) and address all the eligibility requirements. Those who wish to be granted a fee waiver must demonstrate they are unable to pay the required fee.

WARNING: While USCIS will accept previous versions of the Form I-912 and applicant-generated fee waiver requests that comply with 8 CFR § 103.7(c), the ILRC recommends applicants use the most current version of the Form I-912. This will ensure they have provided all the information USCIS needs to evaluate and potentially grant their request. The current version of the I-912 also makes it easier to break down the household composition and income, which can help with approvals.

Example: An applicant who separated from her spouse submitted a previous version of the I-912 that did not prompt her to indicate she and her spouse had separated. The fee waiver application was rejected because the spouse’s income was not reflected on the I-912. The advocate contacted lockbox support and resubmitted the fee waiver application with an explanation that the spouses were estranged and living separately. The fee waiver application was approved.

Applying for a Fee Waiver

Multiple individuals from the same household can complete one combined fee waiver request for the household’s N-400 naturalization applications submitted

<https://www.uscis.gov/ilink/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-1067/0-0-0-1582.html#0-0-0-288> (last visited Mar. 2017).

at the same time. **However, this does not apply to applications filed at different points in time.** If household members are not submitting their N-400 at the same time, each must submit a separate fee waiver request.

As with the I-942, only household members who are requesting a fee waiver must provide their information in Part 3 of the I-912. If the applicant is applying for the fee waiver using Part 4 of the I-912 (Means-Tested Benefit), there is no need to provide information about other household members in Part 3 or have them sign the form. Similarly, if the applicant is applying for the fee waiver using Part 5 or Part 6 of the I-912 and providing income and asset information about other members of the household, these household members do not have to sign the I-912. Only the fee waiver applicant(s) needs to sign and date the form. The I-912 provides a space for multiple signatures in case multiple individuals are applying for a fee waiver using a single application.

The Form I-912 instructions provide applicants with guidance on properly filling out and completing the form. In addition, the ILRC has developed a Naturalization Fee Waiver Packet, which supplements the form instructions and provides a step-by-step guide to completing the Form I-912. (See link at the end of this Practice Advisory.)

Form I-912 provides three ways an applicant can demonstrate her income is low enough to qualify for a fee waiver. Part 4 of the form is for applicants demonstrating eligibility for the fee waiver based on receipt of a means-tested public benefit. Part 5 is for applicants demonstrating their income is at or below 150 percent of the Federal Poverty Guidelines. Part 6 is for applicants whose income may be above 150 percent of the Federal Poverty Guidelines but who are facing extraordinary financial hardship such that they cannot afford to pay the filing fee, even the reduced fee. USCIS must grant the fee waiver to individuals who meet the requirements of Part 4 or Part 5. Adjudication of Part 6 is discretionary.

TIP: The ILRC has received multiple reports of inconsistencies in how USCIS adjudicates the I-912 and of arbitrary denials. If USCIS denies the fee waiver application but the fee waiver application was accurate

and complete as submitted, some advocates will resubmit the I-912 and supporting documentation, along with a cover letter, with the goal of having a different adjudicator review and approve it. Some advocates also attach the applicable page of the I-912 instructions and highlight the relevant text or criteria. Emailing lockbox support (lockboxsupport@uscis.dhs.gov) may also resolve an I-912 rejection and some advocates find this to be more efficient than resubmitting the fee waiver, if there is no information to add to the application. Advocates note that lockbox support may take several weeks to respond but that the original filing date is preserved if the email to lockbox support succeeds in getting the I-912 approved. Moreover, lockbox support will review the scanned version of the application and issue a receipt number without requiring the applicant to spend money on mailing the application again. Advocates also note that lockbox support may provide a more detailed explanation for a rejection, which increases the likelihood that a subsequent application will address these deficiencies and succeed. Some advocates include a printout of the lockbox support explanation with the resubmission. Lockbox support may even answer questions about particular situations. Finally, advocates may also contact the USCIS ombudsman for assistance.

Eligibility

Means-Tested Benefits

By far the most common and straightforward way to demonstrate fee waiver eligibility is by using Part 4 of the I-912, Means-Tested Benefits. Many naturalization workshops have a fee waiver station for helping applicants who qualify complete the I-912, focusing on public benefit recipients.¹⁰ Frequent issues pertaining to Part 4 include:

- Part 4 of Form I-912 requires that applicants provide the date the benefit was awarded and the date the benefit will expire. However, benefit eligibility letters may not include either of these dates.
- Applicants may have received written confirmation of their eligibility for a means-tested public benefit in a language other than English but USCIS requires all documentation to be provided in English.
- The household member receiving the public benefit is the applicant's child and USCIS does not accept evidence of a child's benefit as meeting the requirements of Part 4.

¹⁰ A New Americans Campaign case study of partnerships between naturalization collaborations and Human Services Agencies provides examples of printed benefits letters that some California

counties have generated to support fee waiver applications at naturalization workshops. The case study is available at <http://newamericanscampaign.org/about/best-practices-in-naturalization/>.

USCIS requests the date the public benefit was awarded and the date it will expire to confirm the applicant is currently receiving the benefit. If the applicant does not have a letter showing the date the benefit was first awarded, or showing an expiration date, she can nonetheless qualify for a fee waiver by showing current receipt.

TIP: An applicant can show she is receiving a means-tested public benefit by providing a copy of the official eligibility letter, or Notice of Action, from the government agency administering the benefit, showing the benefit was issued or renewed in the last 12 months and noting on the I-912 that she is currently receiving the benefit.

NOTE: Federal civil rights laws pertaining to language access may require state and local government agencies to provide written correspondence (such as an eligibility letter or Notice of Action) to the applicant in a language other than English. USCIS, however, requires that all documentation supporting the fee waiver application be provided in English, or be accompanied by a certified English translation. It can be extremely challenging for an applicant to obtain an English version of a Notice of Action from a government agency that has issued the notice in a required non-English language, and obtaining a certified translation can be onerous. The ILRC has flagged the USCIS requirement that evidence of receipt of public benefits be provided in English as a potential violation of language access laws.

TIP: Some advocates advise applicants to return to the Human Services Agency (the government agency administering the benefit) and request a copy of the eligibility letter in English. Other advocates report that the Human Services Agency will not issue a letter in English if the benefit recipient indicated his or her native language was other than English. Non-profits may reach out to their local Human Services Agency about the USCIS requirements and collaborate on a process that allows the agency to generate a verification of benefits in English. In some states or counties, applicants can submit a request through an automated phone system. Some states have online portals that benefit recipients can access directly. In these states, individuals, as well as some organizations

that have contracts with the state, can log into the system to print out a letter in English showing current receipt of benefits (such as SNAP). Finally, some advocates outsource translation to volunteers, using a template that they developed for this purpose.

The I-912 instructions make clear that only public benefits that the applicant or the applicant's spouse is receiving meet the criteria for Part 4, even though a child in the household may be receiving a means-tested benefit that establishes the household is low-income. USCIS will not grant a fee waiver under Part 4 on the basis that the applicant's child is receiving a means-tested public benefit.¹¹ For example, a child with a disability may be receiving SSI, a means-tested benefit, but if the parent is applying for citizenship, USCIS will not accept the child's SSI notice under Part 4 of the parent's fee waiver application.

TIP: An applicant may provide proof of her child's eligibility for a means-tested public benefit to satisfy the requirements of Part 5 of the I-912, using the child's benefits eligibility letter to document that the household is below 150 percent of the Federal Poverty Guidelines.

Income at or Below 150 Percent of Poverty

Part 5 of the I-912, Income at or Below 150 Percent of the Federal Poverty Guidelines, allows applicants to demonstrate their income is at or below 150 percent of the Federal Poverty Guidelines. The most straightforward way of doing so is by providing a copy of a tax return or a W2. Frequent issues pertaining to Part 5 include:

- What to do if an individual's income dropped recently but the tax return shows a higher income.
- How to show income for applicants who did not file a tax return and do not have a W2.
- How to calculate income for households with special circumstances (such as separated spouses, or in which the applicant is a foster parent).

Part 5 of the I-912 provides the applicant with an opportunity to indicate recent changes in household income or household composition, and to provide a written explanation along with supporting documentation. See the section on eligibility for the reduced fee, above, for more

¹¹ A minor child applying for an N-600, Application for Certificate of Citizenship, may apply for a fee waiver based on the benefits that the minor, or the minor's parent, is receiving.

information on how to determine who is a member of the household.

TIP: Advocates have found several successful ways of showing income for applicants who do not have a tax return or a W2 form. For example, a low-income senior citizen may provide a current benefit award letter from Social Security showing his income is below the level required for filing a tax return, accompanied by an affidavit stating that he has no other income and has not filed a tax return. Some advocates also attach the past three months of bank statements and a 1099 from the Social Security Administration to show the applicant is not required to file income taxes. Advocates have also had success providing an applicant's paystubs from the last three to six months in order to show consistently low income, accompanied by an affidavit. A signed letter from an employer on official stationery can also provide the necessary evidence. If the applicant experienced a change in income due to job loss or transition, including additional documentation, such as a letter from an employer or a school schedule, will strengthen the application. Advocates use the space at the bottom of Part 5 of the form to explain the applicant's circumstances, such as the fact that the applicant's income dropped recently due to unemployment, or the date the applicant separated from a spouse. In complex household, tax filing, or employment situations, it helps to provide a cover letter with a clear explanation.

Example: Mai is applying for naturalization. She lives in the same house as her adult daughter, but each is responsible for her own household. Mai's daughter provided a signed letter explaining that she is responsible for her own expenses and that the two households are separate. USCIS approved the fee waiver application.

For some applicants who are unable to demonstrate income, waiting to obtain proof or applying for the reduced fee may be the best options.

Example: Ernest's current income has dropped below 150 percent of the Federal Poverty Guidelines but his most recent tax return shows a higher income. He does not have paystubs that he can submit, and his employer refuses to write a letter confirming his income. Ernest is preparing to file a new tax return this year and decides to wait until after he has filed his tax return before applying for naturalization so that he can qualify for a fee waiver. Ernest's advocate advises him that if he does not want to wait, he could apply now using the reduced fee option, or

he could try to qualify for a fee waiver on the basis of financial hardship.

TIP: Since the I-942 (reduced fee) went into effect, advocates report that applicants with incomes just over 150 percent of the Federal Poverty Guidelines have been denied a full fee waiver, whereas in the past some of these applications were approved.

A foster parent may count foster children as dependent children and list them on USCIS Form I-912 for purposes of calculating household size. Although the Internal Revenue Service generally excludes from income the payments that a foster parent receives for caring for a qualified foster child, this income must be reported on Form I-912.

Example: Jasmin receives \$21,900 in foster care payments annually for three foster children. She also earns \$13,500 from part-time employment. On her I-912, she reports \$35,400 and lists the three foster children, for a household size of four. Her income is below 150 percent of the Federal Poverty Guidelines (\$36,900 for a family of four in 2017) and she is eligible for a fee waiver.

Financial Hardship

Securing a fee waiver under Part 6, Financial Hardship, presents the most challenges because of the discretionary nature of the adjudication and the amount of detail (income, assets, monthly expenses, liabilities) required to substantiate the application. Nonetheless, applicants facing true, unusual financial hardship (other than poverty) may succeed.

Example: Working with an applicant with cancer, an advocate listed all the medical bills the applicant had to pay and showed the high debt she owed. The advocate also included other medical evidence. USCIS granted the fee waiver on the basis of hardship.

TIP: Advocates report success in securing a fee waiver based on hardship by providing documentation of a bank account and all expenses, accompanied by a comprehensive explanation outlining the applicant's total income versus total monthly expenses.

TIP: Applicants living on a fixed income, such as Social Security, may be able to provide a simple accounting of income and expenses.

Red Flag Screening

Lawful receipt of a means-tested public benefit does not interfere with an applicant's naturalization application.¹² The ILRC advises organizations to continue helping applicants apply for the I-912 using Part 4, receipt of a means-tested public benefit, as this is the most straightforward way to help large numbers of qualified applicants. Applying for a fee waiver on this ground does flag the applicant as a public benefits recipient, which may cause USCIS to investigate public benefits use for any fraudulent use or any travel-related issues. Therefore, the ILRC advises organizations to include questions about public benefit use and travel in their red flag screening process, especially for fee waiver applicants.

WARNING: Organizations should screen carefully for naturalization and fee-waiver applicants with absences longer than six months, for whom the grounds of inadmissibility, including public charge, would have become relevant upon their return. A lawful permanent resident (LPR) who leaves the country for more than 180 days is considered to be seeking a new admission to the United States upon return. At admission, becoming a public charge is a consideration because it is a ground of inadmissibility. Applicants who used certain means-tested benefits¹³ could be inadmissible. One who was inadmissible at the time they were admitted could be deportable now. LPRs in this situation should be advised of the potential risk¹⁴ if they apply for naturalization so they can make an informed decision on how to proceed.

It is especially important for organizations to identify an applicant who used public benefits **to which he or she was not entitled**. This may create a good moral character issue, and it could also rise to the level of being a crime for which

a person is deportable. It is important to identify applicants who traveled while receiving a means-tested public benefit because, depending on the benefit received, the length of the trip and notification requirements could flag a good moral character problem or even fraud.

Reduced Fee and Fee Waivers in Naturalization Workshops

During naturalization workshops, consider including a fee waiver station to help individuals complete the Form I-912 and Form I-942. Not all reduced fee and fee waiver applications can be completed in a workshop setting, in particular those that rely on a showing of financial hardship require more time with the applicant than is available at workshops, as well as substantial documentation. However, Form I-912 for applicants that complete Part 4 (Means-Tested Benefits) and Part 5 (Income at or Below 150 Percent of the Federal Poverty Guidelines) can be completed in a workshop setting, as can Form I-942.

In order to successfully complete the Reduced Fee and Fee Waiver applications, applicants will need to come prepared with the required documents. Workshop organizers may be able to partner with Human Services Agencies to provide benefit eligibility letters to support fee waiver applications at naturalization workshops.¹⁵ Some Human Services Agencies partner with non-profit service providers to host naturalization workshops and can print out benefit eligibility letters on site. Other Human Services Agencies provide letters in advance, as part of their outreach for the workshop.

Some applicants seeking a fee waiver on the basis of their income (at or below 150 percent of the Federal Poverty Guidelines) or seeking a reduced fee can also proceed at workshops. Workshop organizers may choose to proceed

¹² Lawful receipt of means-tested public benefits does not constitute a bar to naturalization (such as good moral character). The deportation ground for becoming a public charge is quite narrow and is not triggered by lawful receipt of benefits. The ILRC will be monitoring any changes in good moral character determinations carefully, including situations where receipt of public benefits interacts with good moral character.

¹³ As of the date of this Practice Advisory, long-standing USCIS field guidance (dating back to 1999) remains valid and provides that health and nutrition benefits should not be taken into account in the public charge analysis. Memorandum from Michael A. Pearson, Executive Associate Commissioner, Office of Field Operations, U.S. Department of Justice, Immigration and Naturalization Service.

Public Charge: *INA Sections 212(a)(4) and 237(a)(5)*, May 20, 1999. Available at

<https://www.uscis.gov/ilink/docView/FR/HTML/FR/0-0-0-1/0-0-0-54070/0-0-0-54088/0-0-0-55744.html> (last visited Mar. 2017).

¹⁴ The risk is that an LPR returning to the U.S. after more than 180 days who received a means-tested benefit that is taken into account in the public charge analysis, such as a cash-based income maintenance benefit, could be found to be deportable for having been inadmissible at the time of his admission.

¹⁵ As noted above, a case study on this partnership is available at The New Americans Campaign website, <http://newamericanscampaign.org/about/best-practices-in-naturalization/>.

with fee waiver and reduced fee applications for applicants who have clear and straightforward income documentation—such as a tax return, or a Social Security benefits letter along with the SSA-1099 form (showing if and how much Social Security income the applicant must report to the IRS on a tax return)—but refer applicants with more complicated income or household situations for a more individualized consultation.

TIP: Some organizations use stand-alone fee waiver stations but others combine the fee waiver process with the eligibility and red flag screening. This allows an in-depth review of the fee waiver application for issues such as travel and use of public benefits, as well as an upfront determination of whether or not an applicant requires individualized assistance. Under either approach, having well-trained staff or volunteers at the fee waiver station will avoid bottlenecks and reduce the risk of rejection.

Additional Resources

ILRC's Naturalization Fee Waiver Packet: <https://www.ilrc.org/naturalization-fee-waiver-packet>

USCIS Form I-942 and Instructions: <https://www.uscis.gov/i-942>

USCIS Form I-912 and Instructions: <https://www.uscis.gov/i-912>

Additional Information on Filing a Request for a Reduced Fee: <https://www.uscis.gov/reduced>

Additional Information on Filing a Fee Waiver: <https://www.uscis.gov/feewaiver>

Tips for Filing Forms with USCIS: <https://www.uscis.gov/forms-filing-tips>

Pro Bono Training Institute, online training module covering the I-912 and I-942 (California CLE available): <http://www.pbtraining.org/naturalization/>

Access to Public Benefits and Fee Waivers for Naturalization Applicants (recorded webinar): <http://naturalization.ning.com/page/best-practice-webinars>

IRS Publication 501: <https://www.irs.gov/uac/about-publication-501>

*Note

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