



2024 CHANGES TO NATURALIZATION FEES, REDUCED FEES, AND FEE WAIVERS

By Peggy Gleason

I. Introduction

The 2024 United States Citizenship and Immigration Services (USCIS) fee schedule changes the amounts paid for many immigration benefit requests,¹ adds new fee exemptions,² expands the eligibility to apply for a reduced fee for naturalization and provides further guidance on full fee waivers for certain benefits applications. This is the first time since 2016 that fees have been raised.³

Effective April 1, 2024, USCIS increased the filing fee for naturalization to \$760 for a paper filing, or to \$710 for online filing.⁴ However, as part of the same rule, USCIS increased access to naturalization by expanding eligibility for a reduced naturalization filing fee that is 50% of the normal fee, or \$380. In addition, a complete 100% waiver, or zero filing fee, is available for certain applicants who can meet one of the three eligibility standards for that fee waiver.⁵ The 2024 fee rule and accompanying guidance changed many of the criteria for reduced fees and fee waivers. At the same time the new fee rule took effect, USCIS released a revised Form N-400 Application for Naturalization.⁶ USCIS also released revised versions of Form I-912 Request for Fee Waiver and accompanying instructions, although prior versions of this form

¹ USCIS, Form G-1055, *Fee Schedule* (April 1, 2024) lists all the current fees, <https://www.uscis.gov/g-1055>.

² For a summary of the new fee exemptions see ILRC, *New USCIS Fee Exemptions* (March 22, 2024), <https://www.ilrc.org/resources/new-uscis-fee-exemptions-immigrant-survivors-abuse-trafficking-and-other-crimes>.

³ USCIS, *Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements*, 89 Fed. Reg. 6194 (Jan. 31, 2024); USCIS, *Frequently Asked Questions on the USCIS Fee Rule* [hereafter, USCIS FAQs] (April 9, 2024), <https://www.uscis.gov/forms/filing-fees/frequently-asked-questions-on-the-uscis-fee-rule>.

⁴ Online filing is not currently available when an applicant is requesting either a reduced fee or a fee waiver. Those types of naturalization applications must be filed on paper. USCIS, *Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements*, 89 Fed. Reg. 6194 (Jan. 31, 2024).

⁵ USCIS, Form G-1055, *Fee Schedule*, <https://www.uscis.gov/g-1055>.

⁶ USCIS, Form N-400, *Application for Naturalization* (April 1, 2024), <https://www.uscis.gov/n-400>. The new edition of Form N-400 is effective April 1, 2024, although the prior version of Form N-400 can still be filed until the grace period expires on June 3, 2024. The new fee rule is effective as of April 1, 2024, and the new fee amounts must be paid from that date on. For more guidance on the revised N-400 see ILRC, *Annotated Form and Translations* (April 24, 2024), N-400: Annotated Form & Translations | Immigrant Legal Resource Center | ILRC.

will also be accepted.⁷ USCIS added new guidance to the USCIS Policy Manual on fee waivers, and revised other sections of the Policy Manual that were impacted by the changes in the new fee rule.⁸ This practice advisory will examine these changes in current guidance for naturalization fees, the reduced fee, and the full fee waiver.

II. Fees, Reduced Fees, and Fee Waivers for Naturalization

For Form N-400, Application for Naturalization, the fee rule makes the following changes:

As of April 1, 2024, the standard fee for filing is \$760 for a paper filing of the N-400. Any applicant who seeks a reduced fee or a full fee waiver must file on paper. Under the 2024 fee rule, there is no separate biometrics fee.⁹ The prior fee for filing N-400 was \$640 plus a biometrics fee of \$85 for a total of \$725.

The standard fee for an online filing of the N-400 is \$710. As noted, online filing is not possible for applicants seeking fee reduction or a fee waiver.

The current fee schedule allows a 50% reduction of the naturalization fee, or \$380, for applicants who have household incomes that are between 150% and 400% of the Federal Poverty Guidelines (FPG).¹⁰ The request for a reduced fee is made on Form N-400 Application for Naturalization, Part 10, with supporting documentation. There is no separate form to apply for the reduced fee. The prior 2016 rule only reduced the fee to \$320 if the applicant had a family income of more than 150% and up to 200% of the FPG, and the biometrics fee of \$85 had to be paid even if the fee was reduced. Under the prior rule, there was a separate USCIS Form I-942 to apply for the fee reduction. That form is now obsolete.

The 2024 fee rule continues to provide the possibility of a full fee waiver (Form I-912, Request for Fee Waiver) for naturalization applicants who meet any of the three qualifying standards: receipt of a means-tested benefit, income at or below 150% of the FPG, or extreme financial hardship. For the full fee waiver, the total fee would then be \$0 for the N-400. The current fee rule and USCIS guidance in the Policy Manual also makes additional clarifications to fee waiver eligibility and adjudications that are discussed below. Most importantly, the current fee regulation has enshrined the fee waiver eligibility standards so that the three criteria for eligibility are in regulation, not just in agency memoranda or I-912 instructions, and thus are more difficult to change in the future.

A. Paying the full fee

Unless a reduced fee or fee waiver is granted, the required fee must accompany Form N-400 for it to be considered properly filed. Under the 2024 fee rule there is no separate biometrics fee.

⁷ USCIS, Form I-912, *Request for Fee Waiver*, <https://www.uscis.gov/i-912>.

⁸ USCIS, Policy Alert, *Fee Schedule and Certain Other Changes to Immigration Benefit Request Requirements Final Rule* (April 1, 2024), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20240401-FeeRule.pdf>.

⁹ USCIS FAQs.

¹⁰ USCIS, Form G-1055, *Fee Schedule*, <https://www.uscis.gov/g-1055>.

PRACTICE TIP: The full fee of \$760 (or the online filing fee of \$710) may be paid by check (including personal check, cashier or certified check) or money order payable to U.S. Department of Homeland Security. The USCIS instructions state that this should NOT be abbreviated to DHS or US DHS.¹¹ A separate check or money order must be provided for each application submitted. There is also the possibility of paying by credit card for fees. Payment by credit card can only be authorized if a separate Form G-1450, Authorization for Credit Card Transaction is submitted with the benefits application.¹² More detail is provided on payment methods in the USCIS Policy Manual, as well.¹³

The regulations specify that fees are generally nonrefundable regardless of the outcome of an adjudication or the time that an adjudication takes, although USCIS allows that it has discretion to issue refunds.¹⁴ The USCIS Policy Manual states that refunds may be possible in cases where USCIS makes an error that results in inappropriate filing of a form, or if USCIS collects the wrong fee.¹⁵

B. Applying with a reduced fee

Under the prior regulation, request for a reduced fee for naturalization had to be submitted on a separate Form I-942. That form is no longer used for a reduced fee request. As of April 1, 2024, the N-400 Application for Naturalization has been revised and includes a question in Part 10 which will initiate a request for fee reduction. Note that if an applicant is seeking a full fee waiver, then they should not apply for a fee reduction.

The new N-400 section for the fee reduction request is reprinted below (also found on Page 11, Part 10 of the new N-400):

Part 10. Request for a Fee Reduction		A-
For information about fees, fee waivers, and reduced fees, see Form G-1055, Fee Schedule, at www.uscis.gov/g-1055 . To apply for a reduced fee, complete Item Numbers 1. - 5.b. If you are not eligible for a reduced fee, complete Item Number 1. and proceed to Part 11.		
1.	My household income is less than or equal to 400% of the Federal Poverty Guidelines (see Instructions for required documentation).	
	<input type="checkbox"/> Yes (complete Item Numbers 2. - 5.b.)	
	<input type="checkbox"/> No (skip to Part 11.)	
2.	Total household income:	<input type="text"/>
3.	My household size is:	<input type="text"/>
4.	Total number of household members earning income including yourself:	<input type="text"/>
5.a.	I am the head of household.	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.b.	Name of head of household (if you selected "No" in Item Number 5.a.):	<input type="text"/>

¹¹ *Id.*

¹² USCIS, Form G-1450, *Authorization for Credit Card Transactions*, <https://www.uscis.gov/g-1450>.

¹³ 1 USCIS Policy Manual (USCIS-PM) (B)(3), <https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-3>.

¹⁴ 8 CFR 103.2 (a)(1)(2024).

¹⁵ 1 USCIS-PM (B)(3), <https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-3> and f.26. <https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-3#footnote-26>.

If an applicant is eligible for a full fee waiver, but their income is up to or less than 400% of the FPG, which it usually would be, it is somewhat confusing how an applicant should complete Part 10. Until further clarification from USCIS, ILRC recommends that applicants seeking a full fee waiver answer “Yes” to question 1 if their income is less than 400% of the FPG, and then skip the rest of the questions in Part 10. The applicant should handwrite in: “I am not applying for reduced fee. I am eligible for a full fee waiver and am filing an I-912, Request for Fee Waiver.” They should also write this notation in the additional information section at the end of the N-400.

If, however, an applicant has household income that is between 150% and 400% of the FPG, and they wish to apply for a reduced fee, they should answer all of the questions in Part 10. As stated above, an applicant requesting a reduced fee for naturalization must file their N-400 on paper by mail to USCIS.

The applicant who requests a reduced fee needs to show that their annual household income is between 150% and 400% of the FPG. The income calculation is made at the time of filing. The instructions to Form N-400 provide basic information on documentation and counting household size for income,¹⁶ but the USCIS website provides greater detail.¹⁷

The request for fee reduction should be supported by a copy of each household member’s most recent federal tax return. If the tax return does not accurately reflect current income, or a tax return was not filed, the applicant can provide copies of consecutive pay statements for at least one month, a recent W-2, Form SSA-1099, or an employer statement on business stationery showing wages paid. In addition, a student or individual who is not claimed as a dependent on their parents’ federal tax return need not include proof of their parents’ incomes. Such individuals should provide their own proof of income or documentation showing that they are not required to file a federal or state tax return, such as proof that they are a full-time student.¹⁸

The USCIS website states that household size for income should be determined as follows:

“You count someone as part of your household size if that person is:

- You;
- The head of your household (if not you). If a child (under 21 years of age) is applying individually, provide the information of the primary custodial parent;
- Your spouse living with you (if you are separated or your spouse is not living with you, do not include your spouse); or
- Any of the following family members who live with you:
 - Your children or legal wards, who are unmarried and under 21 years of age;

¹⁶ USCIS, Form N-400, *Instructions for Application for Naturalization*, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

¹⁷ USCIS, *Additional Information on Filing a Reduced Fee Request*, <https://www.uscis.gov/forms/filing-fees/additional-information-on-filing-a-reduced-fee-request>.

¹⁸ USCIS, Form N-400, *Instructions for Application for Naturalization*, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

- Your children or legal wards, who are unmarried and are at least 21 years of age but under 24 years of age, are full-time students, and who live with you when not at school;
 - Your children or legal wards, who are unmarried and for whom you are the legal guardian because they are physically or developmentally disabled or mentally impaired to the extent that they cannot adequately care for themselves and cannot establish, maintain, or re-establish their own household;
 - Your parents; and
 - Any other dependents listed on your federal tax return, or on your spouse's (unless separated or not living with you) or head of household's federal tax returns.
- You must include the annual income of your household members as part of your household income.”¹⁹

The applicant should determine the number of household members, and then turn to the Federal Poverty Guidelines to determine income for reduced fee eligibility. USCIS has a chart that gives the calculations per household size for 400% of the FPG (reduced fee) or for 150% of the FPG (thus eligible for a full fee waiver, I-912).²⁰ Applicants are also eligible for a full fee waiver if they, or certain members of their household, currently receive a means-tested benefit, or if they are experiencing an extreme financial hardship.²¹

EXAMPLE: Miriam J. is applying for naturalization. She lives with her husband and three children. She and her husband work, but the children are still in school. Miriam's household size is five persons. If the household income of Miriam and her husband is \$54,870 or less, she can apply for a full fee waiver.²² If her household income is between \$54,870 and \$146,320, she is eligible for a reduced fee of \$380 for naturalization. She should fill out the answers to all the questions in Part 10 of the N-400 and provide supporting documentation (tax returns, or other proof of income at time of filing) for herself and her husband. However, If Miriam's household income is \$54,870 or less and she wishes to apply for a full fee waiver, she could answer “yes” to the first question in Part 10 on the N-400 as to whether here income is at or below 400% of the FPG, leave the other questions in this section blank and write in, “I am not applying for reduced fee. I am eligible for a full fee waiver and am filing an I-912, Request for Fee Waiver.” She would also need to file an I-912 (or written equivalent with the needed information) with her N-400 and attach supporting documentation.

If someone lives in the household but does not meet the definition of household member, they need not be counted in the household calculation, although if they make some financial contribution to support that amount should be included in total household income. For

¹⁹ USCIS, *Additional Information on Filing a Reduced Fee Request*, <https://www.uscis.gov/forms/filing-fees/additional-information-on-filing-a-reduced-fee-request>.

²⁰ USCIS, Form I-912P Supplement, *2024 HHS Poverty Guidelines for Fee Waiver request*, <https://www.uscis.gov/i-912p>.

²¹ 8 CFR 106.3(a)(1)(i)-(iii) (2024).

²² See additional section of this advisory describing full fee waivers. She can also qualify if she or her child receives a means-tested benefit, or if she is experiencing an extreme financial hardship.

example, a roommate who does not contribute to household income need not be counted. Child support payments should be included as additional income.²³

If a naturalization applicant is requesting a reduced fee and is not including their spouse's income due to a marital separation, they need to provide a signed statement or documentation to establish that the spouse does not live with them and does not provide financial assistance. If there are court documents for separation, property settlement agreements, financial support agreements, or separate mortgage, lease, or utility bills showing that the spouses live apart, those documents should be provided. Even where a spouse is separated, any support payments made to applicant should be included in total household income.²⁴

EXAMPLE: Monica is applying for naturalization. She relies on her own income to support her family. She has two children living with her. She has been separated from her spouse for ten years and he lives in another city. They are not legally separated by any court order. The husband has been helping periodically with child support, however, and the informal agreement that he has with Monica is that he pays her \$200/month to help support the children. Maria has a household of three people, and she will not count the income of her spouse. She does need to include the monies paid in child support as additional income. To document why she is not including her husband's income, she should provide a detailed statement about their living situation and proof that her husband lives in a different city, such as a copy of his lease, employment records, or utility bills. Any additional documentation of the ten years of separation should be included.

Any documents provided in another language must have certified English translations. Reduced fees are adjudicated at the USCIS lockbox facilities and questions about adjudications can be directed to lockboxsupport@uscis.dhs.gov.

C. Applying for naturalization with a request for fee waiver (I-912)

USCIS regulations permit a full fee waiver for certain types of benefits applications, including naturalization.²⁵ The fee waiver can be applied for with Form I-912, Request for Fee Waiver, although alternative written requests with the necessary information can also be used to request a waiver. The use of Form I-912 is advisable to ensure that the applicant supplies USCIS with the information needed.

The requester filing Form I-912 must be the primary applicant or the parent or legal guardian of a primary applicant who is a child or a person who is disabled.

The new 2024 fee rule enshrines the criteria for a fee waiver that previously were only found in a USCIS policy memo and on the Form I-912, Request for Fee Waiver.²⁶ An applicant may be eligible for a full fee waiver if they can show, by preponderance of the evidence, that they or certain household members are receiving a means-tested benefit, that their income is at or

²³ USCIS, *Additional Information on Filing a Reduced Fee Request*, <https://www.uscis.gov/forms/filing-fees/additional-information-on-filing-a-reduced-fee-request>.

²⁴ *Id.*

²⁵ 8 CFR 106.3 (2024).

²⁶ 8 CFR 106.3(a)(1). Prior to the 2024 fee rule, these standards were only found on USCIS Form I-912, Request for Fee Waiver, and in a 2010 USCIS policy memo.

below 150% of the Federal Poverty Guidelines, or that they are experiencing an extreme financial hardship. Besides the information in the regulations, there is additional guidance on fee waivers in the USCIS Policy Manual²⁷ and on the USCIS webpage.²⁸

D. Eligibility for full fee waiver

1. Receipt of means-tested benefit

A naturalization applicant can demonstrate that they are unable to pay the required fee and are eligible to receive a full fee waiver if, at the time of filing, they are receiving a means-tested benefit. A means-tested benefit is a federal, state, locally or tribally funded benefit where the agency granting it considers income and resources in determining eligibility.²⁹ There is no finite list of means-tested benefit programs, although the USCIS Policy Manual provides a non-exhaustive list of examples of such programs.³⁰ There are also examples of such programs listed in the I-912 instructions, including Medicaid, Supplemental Nutrition Assistance Program, Temporary Assistance to Needy Families, and Supplemental Security Income. There are many other means-based benefit programs that may qualify. Review the lists provided in the USCIS Policy Manual and the USCIS web page and research the regulations on the program to determine whether any particular benefit is awarded based on income and resources.³¹ A few examples of programs that USCIS does not consider means-tested are Medicare, unemployment benefits, Social Security retirement benefits, Social Security Disability Insurance, or student financial aid.³²

USCIS revised guidance in the Form I-912 instructions and in the Policy Manual to clarify that if a member of the requester's household is receiving a means-tested benefit, then the requester residing in that same household can be considered to also be receiving the means-tested benefit. This was a welcome change in the 2024 revisions of Form I-912 and the Policy Manual that accompanied the publication of the new fee rule. Specifically, a requester may be eligible for a fee waiver based on a child's receipt of a means-tested benefit where the child is under 21 years of age and resides in the same household. Similarly, where a requester's spouse receives a means-tested benefit, then the requester can also be eligible for a fee waiver based on their spouse's receipt if they live in the same household.³³

If a child is over 21, their receipt of a means-tested benefit will not qualify their parent for a fee waiver, unless the child has a disability and the parent is the legal guardian.

²⁷ In April 2024, USCIS published additional guidance on fee waivers in the Policy Manual, 1 USCIS-PM (B)(4), <https://www.uscis.gov/policy-manual/volume-1-part-b>.

²⁸ There is also fee waiver guidance on the USCIS webpage, USCIS, *Additional Information on Filing a Fee Waiver*, <https://www.uscis.gov/forms/filing-fees/additional-information-on-filing-a-fee-waiver>.

²⁹ 8 CFR 106.1(f)(3), 1 USCIS-PM (B)(4).

³⁰ USCIS, Form I-912, *Request for Fee Waiver*.

³¹ 1 USCIS-PM (B)(4); USCIS, *Additional Information on Filing a Fee Waiver*, <https://www.uscis.gov/forms/filing-fees/additional-information-on-filing-a-fee-waiver>.

³² USCIS, Form I-912, *Instructions*, <https://www.uscis.gov/sites/default/files/document/forms/i-912instr.pdf>.

³³ 1 USCIS-PM (B)(4).

2. Documentation

The fee waiver applicant should provide evidence of current receipt of a means-tested benefit by providing a letter or agency document that contains the name of the person receiving the benefit, the name of the agency, the type of benefit, and an indication that the benefit is currently being received such as a recent effective date, date of renewal, or date that approval ends. The documentation should be issued in the last twelve months unless additional documentation of current receipt is provided.³⁴ A benefit card, by itself, is not considered acceptable documentation unless it contains the needed information on names and dates stated above. If the benefit is provided to a family member in the household, proof of that relationship should be provided as well as evidence that they reside together with requester.³⁵

EXAMPLE: Marcos is applying for naturalization. His 16-year-old son Francisco receives SNAP benefits. They live in the same household. Marcos can apply for a full fee waiver for naturalization by demonstrating that his son receives a means-tested benefit. He should provide a document from the SNAP granting agency that shows the name of the agency, his son's name, and the date of the benefit grant to establish current receipt. Marcos should also provide his son's birth certificate showing that he is the father, and documentation to establish that they live in the same household, such as school records showing his son's address.

PRACTICE TIP: Practitioners report that fee waivers based on receipt of a means-tested benefit are the most likely to succeed, in part because the criteria for approval are clear. With the other types of fee waivers—for income at or below 150% of the FPG or extreme financial hardship—practitioners report that multiple submissions with additional evidence have often been required because the criteria for approval are not as clear. In 2024, accompanying the release of the new fee rule, USCIS published additional Policy Manual guidance on the criteria for demonstrating income at or below 150% of the FPG or extreme financial hardship, which may assist in future adjudications of those types of fee waiver requests.

3. Income at or below 150% of the FPG

A naturalization applicant can also qualify for a full fee waiver if their income is at or below 150% of the FPG, based on their household size. USCIS provides a chart to determine this figure.³⁶

Household size for determining income for a fee waiver is described in the USCIS Policy Manual. The requester should include themselves, the head of household (if not the requester), the spouse (if living with the requester), and any family members living in the household who are dependent on the household income.³⁷ Depending on their circumstances, possible household members could be children or legal wards of the requester who are

³⁴ USCIS, Form I-912, *Instructions*, <https://www.uscis.gov/sites/default/files/document/forms/i-912instr.pdf>.

³⁵ USCIS, *Additional Information on Filing a Fee Waiver*, <https://www.uscis.gov/forms/filing-fees/additional-information-on-filing-a-fee-waiver>.

³⁶ USCIS, Form I-912P, *2024 HHS Poverty Guidelines for Fee Waiver Request*, <https://www.uscis.gov/i-912p>.

³⁷ 1 USCIS-PM (B)(4).

unmarried and under 21 years of age, the requester's parents, or any dependent on the requester or head of household's federal tax return. It can also include unmarried children or legal wards who are 21 years old or more but under 24 years of age if they are full time students, and unmarried children or legal wards who are disabled and unable to establish their own household.³⁸ The household number for income calculation does not include persons living in the house who are not financially supported by the applicant. Also, if the requester is deemed legally incompetent by a court, then their individual income is used to determine household income, but no other household member's income would be added to that to arrive at household size and income.³⁹

To document income, requesters may provide the most recent federal tax return or transcript for each household member, or the most recent wage and tax statement (W-2), consecutive pay statements for at least one month during the past three months prior to submitting the fee waiver request, Form 1099-G, Form SSA-1099, or documentation of any additional financial assistance.⁴⁰ While tax returns with signature are the preferred documentation of income, a requester will not be denied a fee waiver solely based on absence of a tax return, and alternative evidence of income may be provided.⁴¹

If a fee waiver request is filed between January 1 and the deadline for filing income taxes for the year, and the applicant has not yet filed a return, the requester may provide the most recent return that they have filed and certify by signing that their income has not changed since the filing of that return.

USCIS suggests that applicants use IRS Form 4506-T to request income tax transcript, a copy of a W-2, or Form 1099-G.

If there has been a change in income since the most recent tax return because of unemployment, the requester should document it with proof of job termination or receipt of unemployment insurance.

4. Extreme financial hardship

The last basis on which a naturalization applicant can qualify for a full waiver is if they demonstrate extreme financial hardship, described by USCIS as "when a requester requires substantially all of their current income and liquid assets to meet current ordinary and necessary living expenses."⁴² The requester should document the financial impact of the hardship in the 12 months prior to receipt of the fee waiver request. Some examples of such situations are listed in the USCIS Policy Manual, ranging from medical illness, unemployment, eviction, homelessness, natural disaster, military deployment of a spouse or parent, divorce or death of a spouse to "other situations that could not normally be expected in the regular course of life events that would limit a person's ability to meet necessary living expenses."⁴³

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

Documentation of financial hardship can vary with the circumstance, but proof of income and necessary expenses or liabilities by the requester and dependents can be provided. The Policy Manual lists typical assets and liabilities that could be included.⁴⁴

If a requester has no income because they are unemployed or homeless, they can provide a detailed statement of their situation, hospital or bankruptcy documents, evidence of unemployment, or statements from community organizations verifying the person's financial situation and/or receipt of some benefit or support.⁴⁵

Emergent situations that should receive consideration for fee waiver eligibility in this category include natural catastrophes beyond a person's control. The USCIS Director may even designate certain time periods for fee waiver eligibility based on such an extreme situation.⁴⁶

5. Fee waiver requests for individuals who qualified for VAWA, U, T

Under the 2024 fee rule, fee exemptions have been expanded to include applicants and derivatives seeking relief under the Violence Against Women Act (VAWA), U nonimmigrant status, T nonimmigrant status, and any related applications.⁴⁷ Fee exemptions do not require filing of Form I-912 and are based solely on the type of underlying application.

However, if any benefit by a U, T, or VAWA requester is not covered by fee exemption, such as Form N-400, Application for Naturalization, but is eligible for a fee waiver, the USCIS Policy Manual specifies that the requester need not count the abuser or trafficker as a member of the household and they do not need to include them in their income calculations.

If such a requester cannot provide proof of income, they can provide a detailed statement describing their income at or below 150% of the FPG and provide affidavits of organizations in the community verifying that the requester is receiving some benefit, if applicable.⁴⁸

6. Special Immigrant Juvenile Status (SIJS)

The 2024 fee rule expanded fee exemptions for SIJS and any related applications. However, if there is any benefit request by an SIJ petitioner or recipient that is not fee exempt but is fee-waiver eligible, such as an N-400 Naturalization application, then the USCIS Policy Manual directs that requester need not provide proof of income at all, but rather provide documentation

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ For more information on fee exemptions see ILRC, *New USCIS Fee Exemptions for Immigrant Survivors of Abuse, Trafficking, and Other Crimes* (March 2024), *New USCIS Fee Exemptions for Immigrant Survivors of Abuse, Trafficking, and Other Crimes* | Immigrant Legal Resource Center | ILRC.

⁴⁸ 1 USCIS-PM (B)(4). Note that while the PM refers specifically to VAWA, U and T persons who may be applying for a fee waiver for a benefit that is not eligible for a fee exemption, it would be logical to apply these considerations to other victim-based categories as well such as battered spouses of A, G, E-3, or H nonimmigrants; battered spouses or children of a lawful permanent resident or U.S. citizen under INA Section 240A(b)(2); T nonimmigrants, conditional permanent residents filing a waiver of the joint filing requirement based on battery or extreme cruelty; and abused spouses and children adjusting status under the Cuban Adjustment Act (CAA) and Haitian Refugee Immigration Fairness Act of 1998 (HRIFA).

showing that they have an approved I-360 SIJS petition, such as Form I-797 Notice of Action.⁴⁹

E. Adjudication of fee waivers

The USCIS Policy Manual outlines the process by which fee waivers are adjudicated, giving officers a step-by-step process to determine eligibility. If a fee waiver is going to be rejected, the rejection notice must provide detailed reasons for the rejection. Rejections may occur for lack of proper filing (lack of Form I-912 or written statement with the needed information), filing in a category that is not eligible for a fee waiver, inability to determine household size or income, or general lack of income documentation.⁵⁰ There is no appeal from a denial of a fee waiver. However, an applicant may re-file their application with a new fee waiver with the required documentation.

PRACTICE TIP: If a fee waiver has been rejected without a legal basis, advocates have sometimes had success contacting lockboxsupport@uscis.dhs.gov and pointing out the legal error. For example, if a means-tested benefit is being received and the applicant has provided evidence that the benefit is means-tested and that applicant currently receives it, the advocate can contact the lockbox email and ask them to re-examine the fee waiver. The email should briefly identify the application filed and the legal argument for fee waiver eligibility. The lockbox maintains scanned copies of fee waivers submitted and can examine their scanned file to see if an error was made. In addition, if the lockbox support avenue is not successful, an advocate can file a case inquiry with the Citizenship and Immigration Services Ombudsman, demonstrating how the properly documented fee waiver was erroneously rejected and showing that other avenues to resolve the matter have been exhausted.⁵¹

III. Conclusion

USCIS's 2024 fee rule expanded the eligibility for reduced fees for naturalization and has clarified the criteria for a full fee waiver for these applicants. Practitioners working in naturalization workshops report that many more applicants are now able to apply for the reduced fee because they have incomes more than between 150% and 400% of the FPG. Advocates expect that the new reduced fee threshold and fee waiver guidance will lead to a welcome increase in access to naturalization for low-income applicants.

⁴⁹ 1 USCIS-PM (B)(4).

⁵⁰ *Id.*

⁵¹ U.S. Citizenship and Immigration Services Ombudsman, *Case Assistance Online*, <https://www.dhs.gov/topic/cis-ombudsman/forms/7001>.

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About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities.

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