



A Division of the New York Legal Assistance Group

**LegalHealth**  
Professional Partnership to Promote Well Being®

*This is general information, not legal advice. Patients should consult an attorney for specific guidance.*

## UNDERSTANDING UPCOMING CHANGES TO USCIS FEE WAIVER

USCIS will likely soon implement changes to the process for applying for a fee waiver for immigration applications. These changes could make it more difficult and burdensome for some patients to qualify for a fee waiver.

### What kinds of applications are affected?

Immigrants who cannot afford the filing fees may apply for a fee waiver for many types of applications, including:

- Citizenship
- Green-cards based on asylee, U visa/T visa/VAWA status
- Green card renewals
- Work permit renewals
- Temporary Protected Status

### Current Rule:

Receipt of a **means-tested benefit**, such as Medicaid or SNAP can automatically qualify applicants for a fee waiver

### New Rule:

Applicants would need to demonstrate either:

- income of less than 150% of the Federal Poverty Level
- financial hardship

### How will these changes impact applicants going forward if they are finalized?

Applicants will need to collect and file extensive documentation to prove their income or financial hardship such as:

- Tax return transcripts or Verification of Non-Filing of Income Tax
- Pay-stubs
- Proof of expenses such as:
  - Leases/rent bills; utility bills; transportation costs; mobile phone bills; medical bills; tuition bills; insurance bills; child-care costs, etc.

Applicants who have never worked or have been unemployed for many years, are homeless or institutionalized, or never applied for disability benefits may have difficulty qualifying for a fee waiver under the new rules.

### What can we do?

- Help patients begin collecting evidence listed above in support of a fee waiver
- Refer concerned patients to LegalHealth clinic

### When will these changes take into effect?

The public comment period ends on May 6<sup>th</sup>. USCIS will consider public comments and may publish a final rule thereafter, which may go into effect not less than 30 days after final publication. However, the exact timing of these changes is unclear.

More questions? Refer patients for an appointment with a LegalHealth attorney

[www.legalhealth.org](http://www.legalhealth.org)

**NYLAG**  
NEW YORK LEGAL ASSISTANCE GROUP