

# VAWA Review Training Module 2: Fee Waiver Training



Enterprise Adjudications & Solutions
Vermont Service Center

July 2021

#### **Training Agenda**



Forms That Require a Fee Form I-912 & Supporting Evidence

Approvals & Denials

Form G-1054

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Forms That Require a Fee Form I-912 & Supporting Evidence

Approvals & Denials

Form G-1054

#### Forms That Require a Fee



- Form I-131 (if applying for Humanitarian Parole)
- Form I-192
- Form I-193
- Form I-212
- Form I-290B
- Form I-485

- Form I-539
- Form I-601
- Form I-751

NOTE: If a Form I-131 is filed with a Form I-485, and the Form I-485 is filed with a fee, then a fee is not required for the Form I-131.

#### Forms That Require a Fee



- Form I-765(c)(14)
- Form I-765(a)(20)
- Form I-765(c)(25) initial filing
- Form I-765(c)(9) (if not filed concurrently with a Form I-485 with a fee or a receipt notice showing the fee for the Form I-485 was paid)
- ALL Form I-765 RENEWALS (except for I-765(c)(9) if filed with evidence that the Form I-485 fee was paid)

- ALL Form I-765
   REPLACEMENTS (except I-765(c)(9) filed to correct an error made by USCIS, and there is evidence fee was paid for the Form I-485)
- Form I-824
- Form I-929

#### **Training Agenda**



Forms That Require a Fee Form I-912 & Supporting Evidence

Approvals & Denials

Form G-1054

#### Form I-912, Pages 1 and 2



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NOTE: The applicant must have one or more boxes checked in Part 1. "Basis for Your Request":

| Part 1. Basis for  | Your Request | (Each basis is | further explained | d in the Specifi | c Instructions | section of the |
|--------------------|--------------|----------------|-------------------|------------------|----------------|----------------|
| Form I-912 Instruc | ctions)      |                |                   |                  |                |                |

Select at least one basis or more for which you may qualify and provide supporting documentation for any basis you select. You only need to qualify and provide documentation for one basis for U.S. Citizenship and Immigration Services (USCIS) to grant your fee waiver. If you choose, you may select more than one basis; you must provide supporting documentation for each basis you want considered.

- I am, my spouse is, or the head of household living in my household is currently receiving a means-tested benefit. (Complete Parts 2. - 4. and Parts 7. - 10.)
- 2. My household income is at or below 150 percent of the Federal Poverty Guidelines. (Complete Parts 2. 3., Part 5., and 7. 10.)
- 3. I have a financial hardship. (Complete Parts 2. -3. and Parts 6. 10.)



If the applicant is applying for Means-Tested Benefits, Part 4 needs to be complete, and supporting documentation must be attached.

#### Part 4. Means-Tested Benefits

If you selected Item Number 1. in Part 1., complete this section.

1. If you, your spouse, or the head of household (including parent if the child is under 21 years of age) living with you is receiving any means-tested benefits, list the information in the table below and attach supporting documentation. If you are the parent or legal guardian filing on behalf of a child or person with a physical disability or developmental or mental impairment, provide information about the child or person for whom you are filing this form if he or she is receiving a means-tested benefit.

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|------------------------|------------------------------------|-----------------------------|--|
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|                        |                                    |                             |  |
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If the applicant is applying for a fee waiver based on Financial Hardship, they must complete Part 6, and include supporting documentation.

| Pa   | art 6. Financial Hardship  |                                 |  |
|------|--|---------------------------------|--|
| lf y | ou selected Item Number 3. in                                    | Part 1., complete this section. | 7  |
| 1.   | situation in the box below. Spe                                  |                                 | ou to incur expenses, debts, or loss of income, describe the debts, and income losses in as much detail as possible. homelessness. |
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| 2.   | If you have cash or assets that yor bonds. (Do not include retir |                                 | ist those in the table below. For example, bank accounts, stocks,  |
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|      | Type of Asset  | Value (U.S. Dollars)            | ]  |
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Total Value of Assets



Form I-912, Part 6, begins on page 4 and continues on page 5.

| 1 ( | art 6. Financial Hardshi   | , (continued)  |  |
|-----|--|--|--|
|     | Total Monthly Expenses and   | Liabilities  | \$                                     |
|     | or print the total amount in the<br>liabilities you have each mont | ount of your expenses and liabilities. You must add all of the space provided. Type or print "0" in the total box if there hand provide evidence of monthly payments, where possible to the control of th | are none. Select the types of expenses |
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#### Form I-912, Pages 5 and 6



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### Form I-912, Pages 7 and 8



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#### Form I-912, Pages 9 and 10



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### Form I-912, Page 11



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#### **Evidentiary Requirements**



All requests for fee waivers must be considered and should be adjudicated favorably when the applicant meets the guidelines provided below. The applicant must meet one or more of the following evidentiary requirements:

- Applicant or a member of the household is currently receiving a means-tested benefit.
- Sufficient proof applicant's household income is at or below 150 percent of the Federal Poverty Guidelines.
- Sufficient proof applicant is under financial hardship due to extraordinary expenses that renders the applicant unable to pay.

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#### **Evidentiary Requirements**



Before making a determination on fee waiver requests, it is important to look at the totality of the situation and consider the following questions:

- How many people are included on the request?
- Is the applicant receiving a means-tested benefit?
- Can the applicant afford the filing fees based on his or her assets and income versus liabilities and expenses?
- Is the applicant's current living situation causing him or her financial hardship?
- Did the applicant provide sufficient proof to substantiate his or her

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#### Supporting Evidence for **Means-Tested Benefit**



Evidence to support a claim that an applicant qualifies for a means-tested benefit can be a letter, notice or other official document that must contain:

- Name of the agency
- Name of recipient
- Name of benefit
- Date when benefit began
- Indication that the applicant is currently receiving the benefit

#### Acceptable Evidence for a **Means-Tested Benefit**



- **Supplemental Security Income (SSI)** letter or Electronic Fund Transfer (EFT) **Statement**
- **Supplemental Nutrition Assistance Program (SNAP)/ Temporary Assistance for Needy Families (TANF)** Letter
- Cash Assistance Letter
- **Medicaid Letter**
- Benefit Letter from U.S. Territories

- (Puerto Rico, Guam, U.S. Virgin Islands, Northern Mariana Island, Saipan)
- Women Infants and Children (WIC) statement
- **Department of Housing and Urban Development (HUD)/ Section 8** statement
- **Cash Assistance Program for** Immigrants (CAPI) letter

#### Unacceptable Evidence for a **Means-Tested Benefit**



- **Social Security Retirement Benefits**
- Social Security Disability Benefits •
- **Supplemental Security Income** (SSI) checks or bank statement showing SSI deposit
- Medicare
- **Federal Pell Grants**
- **Unemployment Compensation**

- Means-tested benefits from a foreign country
- **Medicare Extra Help**
- **Supplement Medical Insurance/ Subsidies**
- Housing assistance programs other than HUD/ Section 8

## Income at or Below 150% of the Federal Poverty Guideline (FPG)



The Form I-912P, HHS Poverty Guidelines for Fee Waiver Request, provides the average yearly gross income amount that is 150% of the HHS Poverty Guideline based on state and household size.

The most up to date version of the FPG can be found on the following website:

https://www.uscis.gov/i-912p

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#### Income at or Below 150% of the FPQ



Evidence to support a claim that the applicant's income is at or below 150% of the FPG can include:

- Tax returns
  - Listing members of household
- W-2s
- Statements from employer
  - On business letterhead
  - Salary or wages paid

### Income at or Below 150% of the FPC



- Financial Support or subsidies
  - Parental support
  - Alimony
  - Child support
  - Educational scholarships and fellowships
  - o Pensions

- Social Security
- Veteran's benefits
- Monetary expenses received from adult children, dependents, or others living in applicant's household

#### Income at or Below 150% of the FPA



- Documents showing applicant's living arrangements and who resides with them in the U.S.
- Affidavits from members of the community who are of good moral character
  - Applicant should submit a statement indicating why more substantial documentation is not available if only affidavits are submitted

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## How to Determine Average Weekly Gross Income



Example:

Pay Check Stub 1 \$516.80 (gross) Pay Check Stub 2 \$526.40 (gross) Pay Check Stub 3 \$499.20 (gross) Pay Check Stub 4 \$473.60 (gross)

Applicant gets paid weekly

Pay Check 1 \$516.80 Pay Check 2 \$526.40

**+** 

Pay Check 3 \$499.20

Pay Check 4 \$473.60

Total Gross Income \$2,016.00

Divide the Total Gross Income by the number of pay check stubs.

Total Gross Income \$2,016.00 /

4

=

Average Gross Income Per Week \$504.00

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## How to Determine Average Yearly Gross Income



Example:

Weekly Pay Check Stubs: 52 weeks in a year

52

X

Average Weekly Gross Income

=

Yearly Gross Income

Bi-Weekly Pay Check Stubs: 26 pay periods in a year

26

X

Average Bi-Weekly Gross Income

=

Yearly Gross Income

Monthly Pay Check Stubs: 12 months in a year

12

X

Average Monthly Gross Income =

Yearly Gross Income



Evidence to establish the applicant's claim of financial hardship can include the following:

- Documents showing unexpected/uninsured medical bills
  - Not normally expected in course of regular life
  - Applicant or applicant's dependents living with applicant in U.S. during 3 month period preceding the filing of the waiver
- Documents showing medical emergency or catastrophic illness
  - Can be for applicant or applicant's dependents residing in the U.S. during the 3 month period preceding filing of the waiver
- Documents showing assets owned, possessed, or controlled by applicant or dependents



#### Documentation of living expenses

- Evidence of mortgage payments
- Rent receipts
- Utility bills
- Food receipts
- Medical expenses
- Child care receipts
- Receipts for other essential expenditures



Documentation of extraordinary expenditures for applicant or dependents residing in the U.S. during the 3-month period preceding the filing of the waiver and reasonable to their well-being or for earning a living including, but not limited to:

- Clothing
- Laundry
- Dry cleaning



Unreasonable living expenses that do not establish financial hardship:

- Extravagant expenses (expensive cars, clothing, vacations, etc.)
- Cable/satellite television
- Credit card charges not used for basic expenses
- Charitable donations
- Entertainment expenses (movies, music, internet, etc.)

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#### **Training Agenda**



Forms That Require a Fee

Form I-912 & Supporting Evidence

Approvals & Denials

Form G-1054

#### **Final Decision Reminders**



- Forms being rejected for a separate reason need the safe address and reviewed for fee waiver.
- There is no SISO review of a fee waiver denial.

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#### Final Decision Reminders, continued



If a form is submitted, a previous fee waiver request was denied, and...

Then white out the previous information ...

The file contains a new Fee Waiver Request,

Enter your decision on the current Fee Waiver Request.

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#### Final Decision Reminders, continued



If a form is submitted, a previous fee waiver request was denied, and...

Then white out the previous information and ...

The subsequent filing now <u>contains</u> <u>a fee</u> for the underlying form,

Process the form as instructed for forms submitted with a fee.

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#### **Final Decisions**



The following slides provide the instructions for processing approvals and denials of fee waiver requests.

### **APPROVALS**



#### On the Form I-912:

- Check the USCIS Service Center block
- Check Fee Wavier Approved
- Write in the date and your RAILS ID

#### On the Safe Address Sheet:

Check "Granted" next to "Application fee waiver"

| USCIS Service       | ce Center         |
|---------------------|-------------------|
| 1.1                 | Fee Waiver Denied |
| Date: 7/4/18 AA0000 | Date:             |

Granted Dalied Not Required Application fee waiver:

### **DENIALS**



#### On the Form I-912:

- Check the USCIS Service Center block
- Check Fee Waiver Denied
- Write in the date and your RAILS ID

On the Safe Address Sheet:

Check "Denied" next to "Application fee waiver"

Fill out Form G-1054 and rubber band it to the front of the file

| ₩ USCIS Se            | ervice Center       |
|-----------------------|---------------------|
| ☐ Fee Waiver Approved | Fee Waiver Denied   |
| Date:                 | Date: 7/4/18 AA0000 |

|                         |                     | _ |
|-------------------------|---------------------|---|
| Granted                 | Denied Not required |   |
| Application fee waiver: |                     |   |

# **Training Agenda**



Forms That Require a Fee

Form I-912 & supporting evidence

Approvals & Denials

Form G-1054



|   | et of Homoback Security<br>up and Incongestion Services  | Form G-1084             |
|---|--|-------------------------|
| START HERE. Type or pour in block sak.  L Today's Dan. (monthlysis).                  | JA Comment   |                         |
| Part J. Information About Requestor   |  |                         |
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| Sh. Gens Name<br>(Text Name)  | Th. Commercia  |                         |
| Ev. Midde Hoss  |  |                         |

#### Notice to Requestor

You fee waive request and associated application, pertison, notion, or request in being infrared to you. If you wish to in-apply for the consignature benefit needs in Fars 2 of this firm, you know twentient the application, pertison, motion, so conjust with fire proposed filling fee to the application of the conjust of the proposed filling fee to the application.

If you fiel the fental of your fee varior impairs is inconvent, you may solved a new fee varior impairs with odd trainst appoints in fertiles, metric, is required to the helpful for any additional advicables that you include to make the same complete description of your financials and draing substants, with supposing documentation. For additional guidance, please visit our Wei sits at manuscassing to Fee canaging to our new visits in the first product of the product

- Proof of loving strangements (e.g., loving with relatives, loving in the individual's own lower, agustused) and evidence of whether the individual's dependents are residing in late or her homefold.
- Evaluace of current imployment or self-employment rack as several pay variances; W-2 forms, revenuent(s) from the individual's employet(s) on histories metodory showing silary or wages paid and increase tax setume (proof of filling of a tax setum).
- Mortgage payment recogns, must recogns, fixed recogns, clothing recogns, which had (e.g., gas, electricity, neighbors, waters, child in elder care recogns, makes high, transportation expense screeps, medical expensions and proof of other records argumentum.

**NOTE:** The Form G-1054 can be found in the training resources on the training console and in the Published Knowledge Management Library under Safe Address.

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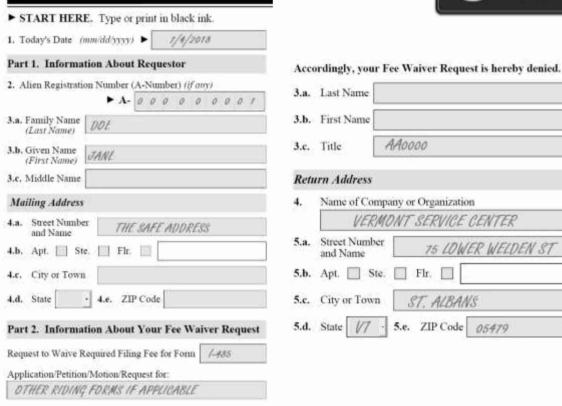
whentened achained up. followings, personal, Social Security or Vennas Benefits, etc. This includes mountary contributions for the paramete of monthly expenses received from what children, dependents, and other people whe are living as the administry liceoscients, or

10. Documentation of debts and habilities such as what is owed as any contamining boast, credit confit, etc. by the individual and has or her dependents, and any other expenses the individual is respectable for its g., increasures, market debts at letter.

September 1999 Figs. 1 of 2

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- Fill in the applicant's information and the safe address.
- Enter your RAILS
   code in the "Title"
   section of Part 2,
   and the VSC address
   in the "Return
   Address" section





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If the applicant's Form I-912 will be denied because he or she:

- Earns more than the Federal **Poverty Guidelines:**
- Does not qualify for a meanstested benefit; or
- Has not demonstrated any extenuating circumstances;

Then select "1.a." on the Form G-1054.

#### Dear Sir/Madam:

1.a. Dpon review of your fee waiver request, U.S. Citizenship and Immigration Services (USCIS) has determined that you have not demonstrated an "inability to pay" the required filing fee for the above noted application, petition, motion or request because of one or more of the following noted reasons: your household income does not appear to be at or below the Federal Poverty Guidelines; you have not demonstrated that you have (within the last 180 days) qualified for or received a "federal means-tested public benefit" you have not demonstrated that you have any extenuating circumstances, including but not limited to being elderly (65 years of age or older at the time the fee waiver request was submitted), disabled, unusual individual or household expenditures, and/or humanitarian or compassionate reasons that would justify granting your fee waiver request.



If the applicant's Form I-912 will be denied because he or she did not submit any supporting evidence, or the evidence was insufficient:

Then select "2.a." on the Form G-1054.

| b. | Comments: |  |
|----|-----------|--|
|    |           |  |
|    |           |  |
|    |           |  |
|    |           |  |

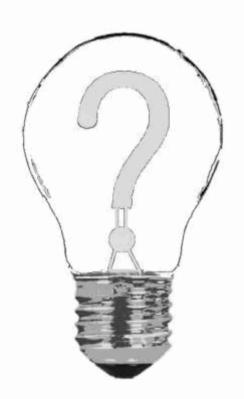
2.a. Due to insufficient information contained in your fee waiver request, USCIS was not able to determine your "inability to pay" the required filing fee.

Comments:

2.b.

# **Questions**





# **Summary**



Forms That Require a Fee

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Approvals & Denials

Form G-1054

## **About this Presentation**



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