

# Humanitarian Division Fee Waiver Training



December 2, 2019

# **Training Agenda**



Forms that require a fee

Form I-912 and supporting evidence

Approval

Rejection

Form G-1054

#### Resources



- USCIS Policy Manual Volume 1, Part B, Submission of Benefit Requests, <u>Chapter 4, Fee Waiver Requests</u>
- Form I-912 and Form Instructions

# 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

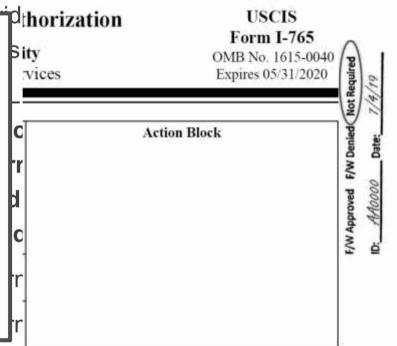
- Form I-539
- Form I-601
- Form I-751

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, continued



NOTE: If a Form I-765 is filed that does not require a fee, stamp the top right margin of the form indicating "Not Required," the date, and your RAILS code.



(except for I-765(c)(9) if filed with



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 in the Specific Instructions section of the Form I-912 Instructions)

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.

- 1. My household income is at or below 150 percent of the Federal Poverty Guidelines (FPG). (Complete Parts 2. 3., and Parts 5. 7.)
- 2. I have a financial hardship. (Complete Part 2., and Parts 4. 7.)



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8. List and provide the total number of applications and petitions for which you are requesting a fee waiver.

Form	Number
Total Number	3.

- Are you applying for or have status or a granted approval as a battered spouse of in A, G, E-3, or H nonimmigrants, a battered spouse or child of a limit fill permanent resident or U.S. citizen under IPAA section: 240A(b)(2), a T nonimmigrant; a person with Temporary Protected Status; a U nonimmigrant, or a VAWA self-pestionery.
  - Yes
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Information About Your Spouse  3. If you are married or separated, does your spouse live in your household?  Yes (add your spouse to the table below and provide his or her income in Bean Number 9, below)  No  A. If you answered "No" to Bean Number 3., does your spouse provide any financial support to your household?  Yes (provide financial support income in Bean Number 10, below)	Del you fit a federal to sense   Yes   So     So   West account "No" in Dean     Del your favorabled consistent in     Yes   So     Yes   So   So     Yes   So   So     Yes   So   So   So     So   So   So   So     So   So	Nemaber 8, provide En les remais de té Nemaber 6, provide	in last year?"	Nember 7.	à las relució		
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Form I-912 10/24/19 Page I of 9							

# Form I-912, Part 3, continued



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If the applicant is applying for a fee waiver based on Financial Hardship, they must complete Part 4, and include supporting documentation.



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Form I-912, Part 5, Statement, Contact Information, Certification and Signature



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# Form I-912, Parts 6 and 7



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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:

- 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.

### Evidentiary Requirements, continued



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

- Did the applicant provide sufficient proof to substantiate his or her claim?
  - Can the applicant afford the filing fees based on his or her assets and income versus liabilities and expenses?
  - Is the applicant's living current living situation causing him or her financial hardship?
- If the benefit requested includes both the appropriate filing fee and a fee waiver request, USCIS will not adjudicate the fee waiver request since the person will not be able to establish an inability to pay.

### 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

**NOTE:** The Form I-912P can also be found in the training resources on the training console and in the Published Knowledge Management Library under Safe Address.

# Income at or Below 150% of the FPG, continued



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

- Tax returns Transcripts or certified copy
  - Listing members of household
- W-2s (if no tax returns were required to be filed)
- Documentation of additional financial assistance

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#### Income at or Below 150% of the FPG, continued



#### Additional Income

- Parental support
- Alimony
- Child support
- Educational scholarships and fellowships
- Pensions
- Social Security

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

# 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

# **Financial Hardship**



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.
- Documents showing medical emergency or catastrophic illness
  - Can be for applicant or applicant's dependents residing in the U.S.
- Documents showing assets owned, possessed, or controlled by applicant or dependents

### Financial Hardship, continued



#### Documentation of living expenses

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

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## Financial Hardship, continued



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.)

22 CV 5312 US 2463 2

## **Special Considerations**



- Applicants do not need to provide the income of any household member, including a spouse, who is or was their abuser or human trafficker.
- An individual listed as a dependent on an income tax return and applying for any immigration benefits based on a pending or approved petition or application for VAWA benefits or T or U nonimmigrant status also does not need to provide the income of any household member, including a spouse, if that member is or was their abuser or human trafficker.

#### Special Considerations, continued



- USCIS considers whether a person is unable to obtain proof of income (or proof of household members' income) due to victimization such as trafficking or abuse.
- The person must describe the situation in sufficient detail on the form to substantiate his or her inability to pay, as well as his or her inability to obtain the required documentation.
- The person must provide any available documentation of his or her income, such as pay stubs or affidavits from religious institutions, non-profits, or other community-based organizations, verifying that he or she is currently receiving some benefit or support from that entity and attesting to his or her financial situation. The ability to provide this information will vary significantly per individual victim, and should be a factor considered when adjudicating these requests.

# 8 U.S.C. § 1367



- If USCIS employees adjudicating fee waiver requests have access to a VAWA/T/U applicant's full file and observe inconsistencies between the details or evidence an applicant provides in support of the fee waiver request and information provided in support of the their other benefit applications, USCIS employees may use that evidence in adjudicating the fee waiver request, however, 8 U.S.C. § 1367 protections apply.
- Under Section 1367(a)(1), in no case may DHS, DOJ, DOS employees make an adverse determination using information furnished solely by a prohibited source.
- Treat adverse information about the VAWA/T/U applicant from a prohibited source as *inherently suspect* and obtain *independent corroborative* information from an unrelated source before taking any adverse action based on that information.

# 8 U.S.C. § 1367, continued



- Under 8 U.S.C. § 1367(a)(2):
  - DHS, DOJ, or DOS personnel generally cannot disclose or reveal ANY information relating to an alien victim who has a pending or approved VAWA self-petition, T visa application, or U visa petition to anyone outside of the Department of Homeland Security, the Department of Justice, or the Department of State unless a statutory exception applies.

Note: These protections extend to VAWA/T/U's derivatives/beneficiaries also.

# **Special Situations**



- Sometimes natural disasters and other extreme situations can occur that are beyond an applicant's control and may affect a person's ability to pay the fees.
- USCIS may designate certain time periods or events in which a person may file a fee waiver request for certain petitions and applications based on an inability to pay through the financial hardship eligibility criteria.
- The applicant must still establish an inability to pay and file the request for the fee waiver.

# **Special Situations**



- The person must describe the situation in sufficient detail on the form to substantiate his or her inability to pay as a result of an event, as well as his or her inability to obtain the required documentation as a result of an event.
- Approving a fee waiver request from individuals eligible for relief should be based on the merits of the totality of the request and should meet the same standard criteria applied to fee waiver requests from individuals not eligible for relief.
- Fee waiver requests should not be approved based solely on the country of nationality or simply being eligible for relief.

Applied to all fee waiver eligible forms submitted by the requestor.

#### **Final Decision Reminders**



- USCIS does not review fee waiver requests submitted for benefit requests rejected for reasons unrelated to the fee.
  - Do not adjudicate the Fee Waiver Request on a defective application
  - Do not approve the Fee Waiver Request for an application that will be rejected
- For example, USCIS does not review fee waiver requests in cases involving an immigration benefit application that is defective due to a missing signature.

# Final Decision Reminders, continued



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

Then white out the previous information on the right margin of the underlying form and ...

The file contains a new Fee Waiver Request,

Enter your decision on the current Fee Waiver Request.

#### Final Decision Reminders, continued



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

Then white out the previous information on the right margin of the underlying form and ...

The subsequent filing now contains a fee for the underlying form,

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

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#### **Fee Waiver Decisions**



- You must use a fee waiver decision stamp to indicate the final decision on the underlying form.
- Stamps can be obtained from the designated location

Form I-912 Approved	Form I-912 Denied
ID:1	Date:

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#### **Final Decisions**



The following slides provide the instructions for processing the approval or rejection of a fee waiver request.

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#### **APPROVAL**



#### On the Form I-912:

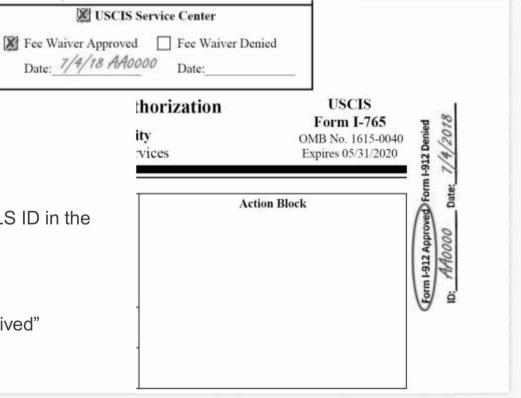
- Check the USCIS Service Center block
- Check Fee Wavier Approved
- Write in the date and your RAILS ID

#### On the underlying Form:

 Use a decision stamp with date and RAILS ID in the top right margin along the edge

#### On the Safe Address Sheet:

Check the box next to "Application fee waived"



US 2475 34

#### REJECTION



#### On the Form I-912

Check the USCIS Service Center block

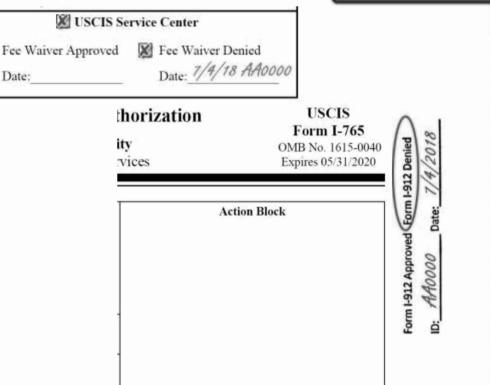
Date:

- Check Fee Waiver Denied
- Write in the date and your RAILS ID

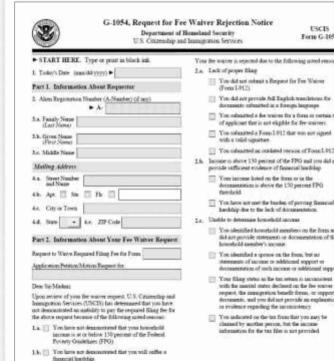
#### On the underlying form

Use a decision stamp with date and RAILS ID in the top right margin along the edge

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



#### Form G-1054



USCIS

Form G-105

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with a valid signature.

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documentation is above the 150 percent FPG

hardship doe to the lack of documentation.

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did not accorde statements or documentation of th

starrangers of sacrone or additional support or

decongentation of such income or additional supp-

with the married status declared on the fee wanter request, the consugnation benefit forms, or improve

documents, and you did not provide an explanation

or evolvence regarding the inconsistency.

claimed by another person, but the income

information for the tax files is not provided.



14 Int	of some demonstration	Accordingly, your Fee Watter Request it lamsky rejected
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	You did not provide copies of your tax reties in N-3s.	Return Address
	You perceived a natement firms a entippose auditation, one-graffit, or other community-based reparations polaristing you do got have sorous mail for entiry a promising centrum. Now you did user provide a natement from the TRS collaining that us as homocopys or W. 2s are available.	Mane of Company to Organization      Beet Disorder and Vision      Sh. Apr.   To.   Fit.
	tie to determine functual inerhibip	
100	You provided usuallicand adversarious of the reason for requesting a financial lendship warrer for the ties.	S.c. City or Toria  S.d. State   Sec. ZIF Code
	You did not provide documentation of Termologic accepts	
	Vira did not provide documentation of soleti and biblishes	
ME VAN	EA becefits or T and U communicator status	
	You did not provide a statement discording your charloss in millioned dated to referentiate your making to pay as well as your mahality to obtain the exquered documentation.	
le Sec	of leanignest fermales (52)	
	You did not percula at least one of the following:	
	<ol> <li>A Stall state or juvenile court order exact chang dependency or matchful plantment of the SIT.</li> </ol>	
1	<li>A letter from a fivier care linear or similar agency eventuring the SEV controller placement that discribes the SEV sinishing to pay</li>	
	<ol> <li>As appeared notes on a Notes of Action (Form 1-767) for a Protoin for Assertions, Widom(w), or Special Sunsignate (Form 1-300, filed for the SIE</li> </ol>	
	Other	



#### Notice to Requestor

Your fee waiver request and associated application, petition, motion, or request is being returned to you. If you wish to re-apply for the immigration benefit noted in **Part 2**. of this form, you must resubmit the application, petition, motion, or request with the required filing fee to the appropriate USCIS office.

If you feel the rejection of your fee waiver request is **incorrect**, you may submit a new fee waiver request with additional supporting information when you resubmit your associated application, petition, motion, or request. It would be helpful for any additional information that you submit to include a more complete description of your financial and living situation with supporting documentation. For additional guidance, please visit our website at <a href="www.uscis.gov">www.uscis.gov</a>, the USCIS Policy Manual sections on fee waivers, and the I-912 form instructions.

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 Fill in the applicant's information and "Safe Address" for the mailing address.

<b>▶</b> S	➤ START HERE. Type or print in black ink.						
1. Today's Date (mm/dd/yyyy) ▶ 12/02/2019							
Part	Part 1. Information About Requestor						
2. Al	lien Registration Number (A-Number) (if any)						
	Family Name Last Name)						
	Given Name (First Name) JANE						
3.c. 1	Middle Name						
Mai	ling Address						
4.a.	Street Number and Name						
4.b.	Apt.						
4.c.	City or Town						
4.d.	State • 4.e. ZIP Code						

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Enter primary form-type and ancillary forms.

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

- Earns more than the Federal Poverty Guidelines. Select "1.a." on the Form G-1054.
- Has not demonstrated financial hardships.

Select "1.b." on the Form G-1054.

Part 2	. Information About Your Fee Waiver Request
Reques	t to Waive Required Filing Fee for Form
Applica	tion/Petition/Motion/Request for:
Age salvandi (1912)	r/Madam:
Immigr not den	eview of your fee waiver request, U.S. Citizenship and ation Services (USCIS) has determined that you have constrated an inability to pay the required filing fee for we request because of the following noted reasons:
1.a. 🗌	You have not demonstrated that your household income is at or below 150 percent of the Federal Poverty Guidelines (FPG).
1.b.	You have not demonstrated that you will suffer a

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 The rejection notice must provide the requestor detailed reasons for why the I-912 fee waiver was not approved.

 Select all relevant boxes in Part 2 that apply.

			a	on the not provide documentation of income and distincent income or financial support for the opticant and each household member identified in a fee waiver request or of the person providing distincent income, is appropriate.	
our fee waiver is rejected due to the following noted reasons:				ou did not provide copies of your tax return or 5-2a.	
	Lack of proper filing		You provided a statement from a religious		
	You did not submit a Request for Fee Waiver (Form I-912).  You did not provide full English translations for documents inbinanted in a foreign language.		institution, non-profit, or other community-based organization indicating you do not have income and the entity is providing services, but you did not		
			provide a statement from the IRS indicating that no tex transcripts or W-2s are available		
	You submitted a fee waiver for a form or certain type of applicant that is not eligible for fee waivers. You submitted a Form I-912 that was not signed with a valid signature.		Unable to determine financial hardship		
			You provided insufficient information of the reason for requesting a financial hardship waver for the feet.		
					You submitted an outdated version of Form I-912.
	.b.	Income is above 150 percent of the FPG and you did not provide sufficient evidence of financial hardship		E 7	You did not provide documentation of assets and liabilities.
Your income listed on the form or in the documentation is above the 150 percent FPG threshold.  You have not met the burden of proving financial hardship due to the lack of documentation.		VAWA benefits or T and U nonimmigrant status			
		You did not provide a statement describing your amustion in sufficient detail to substantiate your institity to pay as well as your inability to obtain the required documentation.			
				Le.	Unable to determine household income
You identified howehold members on the form and did not provide statements or documentation of the howehold member's income.		□ >	ou did not provide at least one of the following:		
		A	establishing dependency or custodial		
You identified a spouse on the form, but no		100	placement of the SIJ		
statements of income or additional support or documentation of such income or additional support.		В.	A letter from a foster care house or similar agency overseeing the SLFs custodial placement that describes the SLFs mability to pay.		
Your filing status in the tax setters is inconsistent					
with the marital status declared on the fee waiver request, the immigration benefit forms, or support documents, and you did not provide an explanation or evidence regarding the inconsistency.			An approval notice on a Notice of Action (Form 1-197) for a Petition for American, Widow(er), or Special Immigrant (Form 1-360), filed for the SU.		
	You indicated on the tax form that you may be claimed by another person, but the income information for the tax files is not provided.	2.h.	E 9	ther	

7.4. Lack of income documentation



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# **Questions**





### **Summary**



Forms that require a fee

Form I-912 and supporting evidence

Approval

Rejection

Form G-1054

#### **About this Presentation**



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