Update 2011-3: Common Place Handbook
USCIS Fee Waiver Guidance

Background

U.S. Citizenship and Immigration Services (USCIS) is funded largely by application and petition fees. Waiving a fee transfers the cost of processing the application and petition to others through higher fees. However, the USCIS recognizes that some individuals may not be able to pay the filing fee. Generally, the USCIS has discretion to waive the filing fees for an application, petition, motion or request if the applicant established that he or she is unable to pay the fee.

Policy

Most clients are unable to pay the filing fees associated with submitting an application, petition, motion or request to USCIS. Social Services Agency staff must assist the clients in requesting a fee waiver by providing information about USCIS’ process.

The following individuals may be eligible for the USCIS fee waiver:

• Individuals receiving means-tested benefits, such as Medi-Cal, CalFresh, CalWORKs, Supplemental Security Income (SSI), among others, or

• Individuals with household income at or below 150% of the Federal Poverty Guidelines at the time of filing, or

• Individuals who have some financial hardship situation such as recent unemployment, high medical expenses, and/or other unexpected large expenses.

Reminder:
Granting of a fee waiver is at the sole discretion of USCIS.
The USCIS developed “Request for Fee Waiver” (Form I-912) in an effort to facilitate the fee waiver request process. USCIS will continue to consider applicant-generated fee waiver requests (i.e., those not submitted on Form I-912) that comply with 8 CFR 103.7(c). The “Instructions for Request for Fee Waiver” (Form I-912 Instructions) was also developed to give information on the methodology that USCIS uses to make a decision on a fee waiver request, whether the request is submitted on Form I-912 or via an applicant-generated written statement requesting a fee waiver. The Form I-912 Instructions also provide applicants with guidance on properly completing Form I-912 and submitting supporting documentation.

Clients may visit the USCIS’ website, www.uscis.gov, for details regarding the fee waiver process.

[Refer to “USCIS Fee Waiver,” page 16-20 for more information.]

**Implementation**

This Update is not a change in policy, but rather a clarification of existing policy.

**Forms**

The “Request for Fee Waiver” (Form I-912) and “Instructions for Request for Fee Waiver” (Form I-912 Instructions) are available through the USCIS website, www.uscis.gov. From the USCIS homepage, type “I-912” in the Search box and select “I-912, Request for Fee Waiver” under Search Results.

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