

USCIS Interoffice Memo on Fee Waivers for Hurricane Katrina Victims

NOTE: The following is text from a U.S. Citizenship and Immigration Services interoffice memo that was forwarded to NILC. The text was forwarded in an email message and is reproduced below exactly as we received it, complete with misspellings and typographical errors. We have reformatted the text slightly to make it more easily readable.

U.S. Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20529

U.S. Citizenship and Immigration Services

Interoffice Memorandum

To: Service Center Directors
Regional Directors
District Directors (Including Foreign)
Office of Communications
Office of Citizenship

From: William R. Yates
Associate Director, Domestic Operations
U.S. Citizenship and Immigration Services

Date: September 19, 2005

Re: Fee Waivers for Hurricane Katrina Victims

Hurricane Katrina has caused economic duress and loss for many USCIS customers who resided in areas affected by the disaster at the time of the hurricane. This includes loss of housing, employment, and personal documentation, such as Employment Authorization documents, Legal Permanent Resident cards and Naturalization certificates. As a result, we anticipate an increase in applications for replacement documents accompanied by a corresponding increase in fee waiver requests. This memorandum serves to advise the field to adhere to the current fee waiver process guidelines and respond generously to those affected by Hurricane Katrina.

Current fee waiver guidance states that, "[a] fee waiver request may be granted when it has been established to the satisfaction of the USCIS [Supervisory] Officer with jurisdiction over the request that the individual is unable to pay the fee." The guidance further states that an applicant for a fee waiver must submit an affidavit or unsworn declaration pursuant to 28 U.S.C. 1746, and as required by 8 CFR 103.7(c), and may submit additional documentation to provide proof of the "inability to pay." (Memorandum, Yates, William R., "Field Guidance to Granting Fee Waivers Pursuant to 8 CFR 103.7(c)," March 4, 2004, hereinafter "Fee Waiver Guidance"). This notice serves to advise the field to be sensitive to the fact that Hurricane Katrina victims may in fact have no documentation to submit in addition to an affidavit or unsworn declaration to prove their "inability to pay." Therefore, in such cases, it would be reasonable to grant a Hurricane Katrina victim's fee waiver request for replacement of documents based only on the applicant's affidavit or unsworn declaration. The affidavit or unsworn declaration should include the applicant's address with zip code as of August 29, 2005, which the USCIS Officer should cross-check against the attached United States Postal Service List of affected areas by zip code to confirm that the applicant lives (or on August 29 lived) in an affected area.

Offices should be especially responsive to fee waiver requests for the following document replacement forms (or other immigration forms needed to apply for replacement documents that can be used to establish employment eligibility under 8 CFR, Part 274a):

- I-90, Application to Replace Permanent Resident Card
- I-102, Application for Replacement/Initial Nonimmigrant Arrival/Departure Record
- I-131, Application for Travel Document
- N-565, Application for Replacement Naturalization Citizenship Document
- I-695, Application for Replacement Employment Authorization or Temporary

Residence Card

- I-765, Application for Employment Authorization
- I-824, Application for Action on an Approved Application or Petition

Please note that USCIS does not waive the fee for collection of biometrics, which is required with the filing of a Form I-90. Consistent with the current Fee Waiver Guidance, USCIS Officers should consider fee waiver requests for other petitions and applications filed by Hurricane Katrina victims on an individual basis. Nothing in this guidance precludes a person from seeking any benefit not described above, including applications for student reinstatement, from applying for a fee waiver pursuant to 8 C.F.R. 103.7(c). In addition, the granting of a fee waiver does not affect the adjudication of the underlying application. In some cases, of course, a person's financial means may be relevant as to whether the underlying benefit should be granted.

Questions regarding this memorandum may be directed to Shannon Wheeler, Office of Program and Regulations Development, through appropriate channels.