



EAST BAY
SANCTUARY COVENANT

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East Bay Sanctuary Covenant Joins Coalition of Immigrants' Rights Organizations in Lawsuit over the Trump Administration's Unlawful Fee Rule

USCIS' new Fee Rule violates the Immigration and Nationality Act by imposing a wealth test for citizenship and creating unlawful barriers to refugees and asylum seekers.

EBSC condemns the new Fee Increase Rule because it will harm our clients, all other people trying to access immigration services, and the many small agencies that serve them.

BERKELEY, CA – East Bay Sanctuary Covenant (EBSC) today announced it had joined a coalition of 8 of the nation's leading immigrants' rights organizations in filing a lawsuit against United States Citizenship and Immigration Services' (USCIS) over the agency's new [Fee Rule](#) covering application fees for citizenship, refugees and asylum seekers. The coalition is seeking an emergency nationwide injunction on the rule to prevent it from going into effect on October 2, 2020.

In their lawsuit, the coalition noted that DHS's new Fee Rule violates the Administrative Procedure Act because it is contrary to law, and constitutes arbitrary and capricious agency action. The Rule raises application fees for many essential immigration benefits by 30 to 266 percent, while eliminating most fee waivers for qualifying low-income immigrants. DHS justified the rule in part based on what it claims are the costs of processing applications. But during the notice and comment period, many criticized DHS for failing to explain how it calculated its skyrocketing costs and burned through ample cash reserves it had on hand just a few years ago.

"The new Fee Rule is another example of the current administration's racial bias," said **Michael Smith, East Bay Sanctuary Covenant Director of Refugee Rights**. "It disproportionately harms low-income immigrants who are overwhelmingly people of color. The increases in fees and elimination of fee waivers will create a purely financial barrier to the progress of immigrants' integration in the U.S., delaying or precluding status that is critical to safety, security, and protection. These unnecessary and unfounded changes will cause hardship for hundreds of hardworking, Bay Area immigrants and mixed-status families, including U.S. citizens. Our clients should not have to pay outrageous fees to achieve safety and protection under U.S. and international asylum law."

USCIS' Fee Rule has been widely condemned for its exclusionary impact on vulnerable immigrant families, and particularly people of color. By raising naturalization fees by an unprecedented 83 percent, USCIS has made the cost of obtaining citizenship prohibitively high for millions of eligible immigrants, effectively imposing the United States' first ever wealth test for citizenship. Through establishing the nation's first-ever fee for asylum seekers, the Trump administration has also made the United States just one of four countries in the world to impose such a fee on people fleeing dangerous situations such as war or political persecution.

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“USCIS is trying to impose a fee for first-time asylum seekers in contrast to what Congress has specified - that filing for asylum should be free. Asylum seekers often have been forced to flee for their lives to escape persecution and arrive in the U.S. with nothing more than the clothes on their backs. When they arrive, they are not immediately authorized to work and thus have no legal way of earning money. Our clients are not able to afford these exorbitant fees without significant hardship,” said **Kaveena Singh, EBSC Managing Attorney.**

This is the third national lawsuit that EBSC has joined to protect the rights of asylum seekers and low-income immigrants to achieve safety in the U.S. as guaranteed under U.S. and international laws. EBSC has one of the largest affirmative asylum programs in the country and has filed over 5,000 asylum cases with an over 97% success rate in adjudicated cases - demonstrating that our clients have legitimate cases that are being approved by the U.S. government. This is just the latest example of a discriminatory attack by the Trump administration with intent to harm refugees of color from poor countries.

In their lawsuit, the coalition noted that USCIS’ new Fee Rule violates Congressional intent and the express terms of the Immigration and Nationality Act (INA) by placing unlawful barriers on immigrants’ ability to secure citizenship and legal residence in the United States. The rule raises application fees for many essential immigration benefits by 30 to 200 percent, while eliminating most fee waivers for qualifying low-income immigrants. USCIS based its justification for the rule on a projected budgetary shortfall that was widely criticized as inaccurate during the Fee Rule’s notice and comment period. The coalition disputes USCIS’ budgetary model and revenue projections in their lawsuit.

“With USCIS’ new Fee Rule, the Trump administration has demonstrated its willingness to disregard the rule of law in pursuit of its anti-immigrant and xenophobic agenda,” said **Melissa Rodgers, Director of Programs for the Immigrant Legal Resource Center.** “By failing to address the rule’s obviously flawed revenue modeling projections, the Trump administration has not only undercut its own legal rationale for finalizing the rule, it has contradicted USCIS’ own leaderships’ stated justification for securing bailout funding from Congress. Once again, the historic racism and bigotry of this administration is matched only by its staggering incompetence.”

Lawsuit: <https://www.bloomberglaw.com/public/desktop/document/ImmigrantLegalResourceCenteretalvWolfetaldocketNo320cv05883NDCalA/1?1598020749>

For more information about EBSC’s involvement in this lawsuit, please see our [website](#).

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About East Bay Sanctuary Covenant

Founded in 1982 in response to civil war in Central America, [East Bay Sanctuary Covenant](#) (EBSC) provides legal services, community organizing, and transformative education to over 10,000 refugees and people fleeing violence and persecution, reaching over 10,000 people yearly. Through our comprehensive programming, EBSC helps immigrants and asylum seekers achieve legal status, citizenship, and well-being as they overcome extraordinary obstacles and achieve their dreams for themselves and society. EBSC works with the most marginalized populations fleeing violence and persecution, including unaccompanied minors; torture victims; survivors of gender-based violence, and individuals from the LGBT community.



About the Immigrant Legal Resource Center

[Immigrant Legal Resource Center \(ILRC\)](#) is a national nonprofit that works with immigrants, community organizations, legal professionals, and policymakers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC protects the fundamental rights of immigrant families and communities. ILRC leads the New Americans Campaign, a non-partisan national campaign aimed at increasing the number of new Americans by ensuring access to the naturalization process and trusted legal assistance.

About the American Immigration Lawyers Association

The [American Immigration Lawyers Association](#) is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members.

About the Asian Counseling and Referral Service

[Asian Counseling and Referral Service \(ACRS\)](#) offers hope and opportunity in over 40 languages and dialects. We provide one door through which Asian Americans and Pacific Islanders of many generations -- immigrant, refugee, or American born -- can find the resources they need. We help transform the lives of families and individuals by helping people feed their loved ones, access resources, gain English language and work skills, become American citizens, recover from addiction, and achieve mind and body wellness.

About the Coalition for Humane Immigrant Rights

[Coalition for Humane Immigrant Rights \(CHIRLA\)](#) is a California leader with a national impact made of diverse immigrants who act as agents of social change to achieve a world with freedom of mobility, full human rights, and true participatory democracy. CHIRLA organizes and serves individuals, institutions, and coalitions to build power, transform public opinion, and change policies to achieve full human, civil and labor rights.

About OneAmerica

[OneAmerica](#) advances the fundamental principles of democracy and justice at the local, state, and national levels by building power within immigrant communities in collaboration with key allies. The Washington New Americans Program (WNA) connects immigrants and refugees in Washington State to the information and legal services needed to successfully naturalize and exercise their civic voice.

About the Illinois Coalition for Immigrant and Refugee Rights

Established in 1986, the [Illinois Coalition for Immigrant and Refugee Rights](#) is a statewide coalition of more than 100 organizations dedicated to promoting the rights of immigrants and refugees to full and equal participation in the civic, cultural, social, and political life of our diverse society.

About the Catholic Legal Immigration Network, Inc.

CLINIC advocates for humane and just immigration policy. Its network of nonprofit immigration programs — over 370 affiliates in 49 states and the District of Columbia — is the largest in the nation. CLINIC provides legal and program management training, resources and advocacy support at state, local and national levels.

About the International Rescue Committee

The IRC responds to the world's worst humanitarian crises, helping to restore health, safety, education, economic wellbeing, and power to people devastated by conflict and disaster. Founded in 1933, the IRC works in over 40 countries and over 20 U.S. cities helping people to survive, reclaim control of their future, and strengthen their communities.

