



## East Bay Sanctuary Covenant Plaintiff in Lawsuit Challenging Trump Administration's Unlawful Fee Rule

On August 3, 2020, the Department of Homeland Security (DHS) finalized changes to the fees U.S. Citizenship and Immigration Services (USCIS) charges for various immigration applications. In sum, DHS is increasing fees drastically, limiting fee waivers, and raising naturalization fees by an unprecedented 83 percent.

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 war and political persecution.

EBSC is one of eight plaintiffs named in a lawsuit filed August 20, 2020 against USCIS. The coalition is seeking an emergency nationwide injunction on the rule prior to it going into effect on October 2, 2020.

***“This new Fee Rule is designed to harm the same people who are suffering the most during the pandemic - the poor and people of color.”***

**Michael Smith, Director of Refugee Rights, EBSC**

### **Facts about the Fee Rule Lawsuit**

*“The new Fee Rule 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.”*

- Michael Smith, EBSC's Director of Refugee Rights

**This Rule imposes a fee for first-time asylum seekers contrary to the Constitution and the Immigration and Nationality ACT which affirm 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. Asylum seekers often are dealing with physical injuries and psychological trauma from the persecution they have endured and the journeys they



have undertaken to arrive to safety, which leaves them in a particularly vulnerable position.

**EBSC serves people who are extremely poor and are unable to pay these exorbitant fees.** Our clients already struggle to provide for their basic needs, including housing and food. Many earn minimum wage and struggle to make ends meet with the high cost of living in the Bay Area.

**Eligible EBSC clients will not be able to afford to become U.S. citizens.** Under the Rule, the cost to naturalize would rise to \$1,170 for a single application, an amount roughly equal to a month's gross income for an immigrant making the federal minimum wage. Most of our clients would need *years* to accumulate the savings needed to cover the \$1,170 fee.

**The Rule makes it prohibitively expensive to obtain a work permit, putting our clients in a "catch 22" where they are not able to work.** The Rule imposes a new \$580 fee on first-time applications for work permits -- an impossible fee for our asylum clients, who need to be able to work to provide for themselves and their families. When they are unable to work, they suffer from housing instability and food insecurity, which takes a further psychological toll on them. Being unable to work lawfully also makes them uniquely vulnerable to domestic violence and predatory practices.

**The Rule eliminates fee waivers for many of our clients, contrary to the Constitution and the Immigration and Nationality ACT,** because it does not consider an applicant's ability to pay. Without fee waivers, it will take years for families to save this money to be able to apply for residency. As legal service providers, our task of helping these families will be much more complicated and time consuming.

**The Rule will double the fees for people with DACA.** Previously, work permits were valid for two years; under the new Rule, they will only be valid for one year. Paying the doubled fee will be difficult or impossible for many DACA clients, especially during COVID.

**DHS has not been able to justify these fee increases,** and is illegally diverting USCIS funding for enforcement purposes.

Read [Complaint](#).

**About EBSC.** EBSC was founded in 1982 as part of the Sanctuary Movement with a mission to help people fleeing from horrific civil wars in Central America; we now serve people from over 60 countries. 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 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. For more information, visit our [website](#).

