Legislation Details (With Text)

File #:	Res 1337-2020	**Version:** *	**Name:**	Opposing the U.S. Department of Homeland Security's proposed increases to filing fees for immigration status adjustments.
Type:	Resolution		**Status:**	Filed (End of Session)
			In control:	Committee on Immigration
On agenda:	6/18/2020			
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Title: Resolution opposing the U.S. Department of Homeland Security's proposed increases to filing fees for immigration status adjustments, including but not limited to, Citizenship, Permanent Legal Residence, Deferred Action for Childhood Arrivals, Asylum, and Temporary Protected Status and urging the federal government not to move forward with its adoption.

Sponsors:

Indexes:

Attachments: 1. Res. No. 1337, 2. June 18, 2020 - Stated Meeting Agenda with Links to Files, 3. Hearing Transcript - Stated Meeting 6-18-20, 4. Minutes of the Stated Meeting - June 18, 2020

Date	Ver.	Action By	Action	Result
6/18/2020	*	City Council	Introduced by Council	
6/18/2020	*	City Council	Referred to Comm by Council	
12/31/2021	*	City Council	Filed (End of Session)	

Res. No. 1337

Resolution opposing the U.S. Department of Homeland Security's proposed increases to filing fees for immigration status adjustments, including but not limited to, Citizenship, Permanent Legal Residence, Deferred Action for Childhood Arrivals, Asylum, and Temporary Protected Status and urging the federal government not to move forward with its adoption.

By Council Members Menchaca, Kallos and Cabrera

Whereas, On November 14, 2019, the Department of Homeland Security ('DHS') proposed a rule, entitled "U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements," which recommends, among other changes, an 83 percent increase to the citizenship application fee, a 79 percent increase to the permanent legal residence application fee, and a 55 percent increase in the renewal fee for Deferred Action for Childhood Arrivals ('DACA'); and

Whereas, The rule would also eliminate certain fee waivers for individuals experiencing financial hardship; and

Whereas, Periodic fee schedule adjustments are standard practice for the United States Citizenship and Immigration Services ('USCIS') to cover its administrative costs and the last fee adjustments were made in 2016; and

Whereas, However, the 2019 proposed fee adjustment is unprecedented as it creates new fees for asylum seekers and Temporary Protected Status applicants; and

Whereas, Only three other countries in the world charge fees for commensurate humanitarian visas: Iran, Fiji and Australia, and all three offer waivers for extenuating circumstances; and

Whereas, New York City is home to 3.2 million immigrants - 660,000 of whom are lawful permanent residents and could be eligible for citizenship - and approximately 15,000 TPS recipients and 30,000 DACA recipients, with an estimated 45,000 more eligible for these benefits; and

Whereas, New York City's Mayor's Office of Immigrant Affairs ('MOIA') has determined that at least 280,000 currently naturalization-eligible New Yorkers fall below 200 percent of the Federal Poverty Level and as such would qualify for a fee waiver or reduced fee under the current rule; and

Whereas, A 2015 Pew Research Center survey of naturalization-eligible individuals found that 19 percent of those who chose not to naturalize cited financial hardship as a significant barrier to seeking U.S. Citizenship; and

Whereas, Further analysis by MOIA has identified a relationship between rising USCIS fees and lower rates of naturalization applications over time; and

Whereas, This proposed rule will diminish immigrant New Yorkers' access to lawful immigration status by imposing a financial burden; and

Whereas, USCIS claims the following cost projections justify the proposed fee increases: (1) a more than $100 million transfer to Immigration and Customs Enforcement ('ICE') for immigration enforcement, and (2) a 44 percent staffing increase at USCIS; and

Whereas, These budgetary and staffing maneuvers appear to be shifting USCIS' ministerial role to that

of an enforcement agency; and

Whereas, For example, an October 2019 USCIS press release announced increased staffing levels for individuals with "prior military and law enforcement expertise" in their Asylum Division, in addition to deploying USCIS Asylum Division officers alongside U.S. Border Patrol agents in detention facilities and Border Patrol stations; and

Whereas, Actions like shrinking eligibility criteria and increasing fees such as those in this proposed rule create an 'invisible' wall that decreases access to lawful status for eligible immigrants; and

Whereas, While DHS claims these proposed fee changes will make the process of immigration more equitable, it will necessarily disadvantage vulnerable immigrants who are currently eligible and entitled to immigration status adjustment; and

Whereas, The proposed rule will invariably lead to a chilling effect, as individuals choose to abandon their legitimate immigration applications whether due to financial hardship or lack of trust in the objectivity of USCIS; now, therefore, be it

Resolved that the Council of the City of New York opposes the U.S. Department of Homeland Security's proposed increases to filing fees for immigration status adjustments, including but not limited to, Citizenship, Permanent Legal Residence, Deferred Action for Childhood Arrivals, Asylum, and Temporary Protected Status and urges the federal government not to move forward with its adoption.

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