

# Fee Waivers

## USCIS FEE WAIVERS

- How to request a fee waiver; Which fees are waivable; Which filing fees can't ever be waived

### Three Basis for Fee Waiver

USCIS evaluates whether the requestor is unable to pay the filing fee based on the following criteria:

1. The requestor's household income level is at or below 150 percent of the Federal Poverty Guidelines ( FPG ); or
2. The requestor is a victim of a crime or a victim of a crime involving a child, a spouse, or a dependent child, and the requestor is unable to pay the fee.

An officer must evaluate whether the requestor establishes an inability to pay under any of these three criteria.

## LAW & STANDARD

See [8 CFR 106.3](#) .

See **Section D, Basis for Inability to Pay [1 USCIS-PM B.4(D) ]**. See [Matter of Chawathe \(PDF\)](#) , 25 I &N Dec. 369 (AAO 2010) (identifying preponderance of the evidence as the standard for immigration benefits generally, and in that case specifically naturalization).

\*See [Matter of Chawathe \(PDF\)\\*](#) , 25 I &N Dec. 369, 376 (AAO 2010) (preponderance of the evidence means more likely than not). See *U.S. v. Cardozo-Fonseca* , 480 U.S. 421 (1987) (defining “more likely than not” as a greater than 50 percent probability of something occurring).

# What Fees Are Eligible for a Fee Waiver?

The following table provides a list of forms for which USCIS may waive the fees based on a requestor’s inability to pay.

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Application to Replace Permanent Resident Card ([Form I-90](#))

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Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act (INA) ([Form I-191](#))

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Petition to Remove Conditions on Residence ([Form I-751](#))

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Application for Family Unity Benefits ([Form I-817](#))

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Application for Temporary Protected Status ([Form I-821](#))

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Application for Suspension of Deportation or Special Rule Cancellation of Removal ([Form I-881](#))

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Application to File Declaration of Intention ([Form N-300](#))

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**Request for a Hearing on a Decision in Naturalization Proceedings ([Form N-336](#))**

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**Application for Naturalization ([Form N-400](#))**

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**Application to Preserve Residence for Naturalization Purposes ([Form N-470](#))**

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**Application for Replacement of Naturalization/Citizenship Document ([Form N-565](#))**

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**Application for Certificate of Citizenship ([Form N-600](#))**

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**Application for Citizenship and Issuance of Certificate under Section 322 ([Form N-600K](#))**

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## Conditional Fee Waivers

Certain fee waivers depend on specific conditions. The following table provides a list of forms for which USCIS may waive fees based on the requestor's inability to pay and if they meet the specified conditions.

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**Petition for a CNMI-Only Nonimmigrant Transitional Worker ([Form I-129CW](#)) petitioning for an E-2 CNMI investor**

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**Application to Extend/Change Nonimmigrant Status ([Form I-539](#)), only in the case of a noncitizen applying for CW-2 nonimmigrant status**

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**Application for Travel Document ([Form I-131](#)) for those applying for humanitarian parole**

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**Application for Advance Permission to Enter as Nonimmigrant ([Form I-192](#)) for an applicant who is exempt from the public charge grounds of inadmissibility**

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**Application for Waiver of Passport and/or Visa ([Form I-193](#)) for an applicant who is exempt from the public charge grounds of inadmissibility**

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**Notice of Appeal or Motion ([Form I-290B](#)) if the underlying benefit request was fee exempt, the fee was waived, or it was eligible for a fee waiver**

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**Application to Register Permanent Residence or Adjust Status ([Form I-485](#)) for an applicant who is exempt from the public charge grounds of inadmissibility**

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**Petition for a CNMI-Only Nonimmigrant Transitional Worker, or an Application to Extend/Change Nonimmigrant Status ([Form I-539](#)) for an applicant applying for CW-2 nonimmigrant status**

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**Application for Waiver of Grounds of Inadmissibility ([Form I-601](#)) for an applicant who is exempt from the public charge grounds of inadmissibility**

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**Notice of Appeal of Decision Under Sections 210 or 245A of the Immigration and Nationality Act (**

**[Form I-694](#)) if the underlying application or petition was fee exempt, the filing fee was waived, or was eligible for a fee waiver**

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Application for Employment Authorization ([Form I-765](#)), except persons filing under category (c)(33), Deferred Action for Childhood Arrivals (DACA)

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For the following forms if the applicant is exempt from public charge ground of inadmissibility under INA 212(a)(4):

- Application for Advance Permission to Enter as Nonimmigrant (Form I-192); Application
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# Humanitarian Fee Waivers

USCIS provides fee exemptions for many forms filed by certain humanitarian categories of requestors. If not otherwise exempt from paying the fee, an individual may request a fee waiver for any application or petition that is related to any of the following humanitarian categories:

- Battered spouses of A, G, E-3, or H nonimmigrants; ~~Battered spouses~~ or children of a ~~Battered spouses~~ under INA Section 240A(b)(2);

# Fee Exemption vs. Fee Waiver

A fee exemption means that we do not require a fee for a form or do not require a certain category of requestors to pay the prescribed fee for a form. You can find all current fee exemptions on our [Fee Schedule](#) page. If a fee

exemption applies to you and the form you are submitting, you do not need to request a fee waiver or pay the filing fee.

A fee waiver means that we require a fee for a form but waive this requirement for an individual requestor because of their inability to pay the fee. If you request a fee waiver and show us that you are eligible, then you will not need to pay the filing fee for the associated form. However, if you request a fee waiver and we find that you are not eligible, then we may reject your fee waiver request and underlying application or petition.

# Eligibility for a Fee Waiver

You can request a fee waiver if:

- The form you are filing is one of the forms that you can file for free (see our [Fee Schedule](#) page); and
  - You are a person who is a member of a household that is eligible for a fee waiver (see our [USCIS Fee Waiver Policy](#) page) or you are a member of a household that is eligible for a fee waiver (see our [USCIS Fee Waiver Policy](#) page).
- See the [USCIS Fee Waiver Policy](#) for more information on the eligibility requirements for a fee waiver.

# Requesting a Fee Waiver

Complete the most current version of [Form I-912, Request for Fee Waiver](#), or write a letter asking for a fee waiver and provide all the necessary

**information and supporting evidence to establish your eligibility under one of the three criteria listed above.**

**Please follow all instructions, complete all necessary sections of the forms, and submit proper documentation to avoid common rejection reasons.**

# Receipt of means-tested benefit

**A means-tested benefit is a public benefit for which the agency granting the benefit considers your income and resources.**

- **The benefit may be federally, state, or locally, or tribally funded.** In general, if you receive a benefit that is funded by the federal government, you should consider it that benefit.

**Some public benefits that, for fee waiver purposes, we consider means-tested benefits include:**

- Supplemental Child Nutrition Assistance Program (SNAP, IFP) and State Children's Health Insurance Program (SCHIP) assistance programs;

**For a more extensive list of eligible benefits, see [USCIS Policy Manual Vol 1, Part B, Chapter 4, Fee Waivers and Fee Exemptions](#)**

**If you are receiving a means-tested benefit that is not well known outside of your area, please provide as much information as you can about the benefit. This may include a brochure, contact information, or the website address of the agency granting the benefit.**

**Some benefits that, for fee waiver purposes, we do not consider means-tested benefits include:**

- Medicare; Unemployment benefits; Social Security benefits; Retirement benefits; Disability

# **Using a family member's means-tested benefits to qualify**

- A child under 21 years of age may use a parent's means-tested benefit to qualify for a fee waiver if the child is currently living with the parent and is dependent on the parent.
- A co-applicant who is currently living with the applicant and is dependent on the applicant may use the applicant's means-tested benefit to qualify for a fee waiver.

# **Documentation showing you are receiving a means-tested benefit**

**You must provide evidence that you (or your qualifying family member) are currently receiving a means-tested benefit. This evidence should be in the form of a letter, notice, or other official document that contains the required information, including:**

- Your name (or the name of the family member receiving the benefit); The type of benefit



# What if I am currently receiving a means-tested benefit, but my documentation does not show an expiration date?

- If the documentation does not show an expiration date, more than 12 months before the date you file Form 981, if the documentation is within 12 months of the date you should file your Form 981, while you are still receiving the benefit, provide additional evidence that shows you are currently receiving the benefit.

*Does my benefit card count as evidence that I am receiving a means-tested benefit?*

- Benefit cards by themselves are not acceptable evidence of a means-tested benefit, unless they contain the recipient's name, the name of the agency granting the public benefit, the type of benefit, and an indication that you or your family member currently receive the benefit (for example, the date you were granted the benefit and the date it expires or was renewed). States usually do not require applicants to return cards, without any value, after the expiration of benefits.

# Household income is at or below 150% of the Federal Poverty Guidelines

poverty levels for this year at [Poverty Guidelines](#). You must include the head of household income. For the fee waiver request, limited to, the head of household as shown on Form 1040 or the person that earns the most income. You can find more information about how to complete Form 1040 at <http://www.irs.gov/publications>

[calculate household size](#)

## Overseas Spouse

- If you are requesting a fee waiver based on household income that is at or below 150% of the Federal Poverty Guidelines and your spouse lives overseas and provides support to your household, include your spouse's contributions to your household in the total additional income or financial support section. If your spouse living overseas is unemployed and is supported by you, state that on the form. If your spouse lives overseas and provides no support to your household, please include a statement explaining the situation.

## Lack of Stable Address

- We will consider lack of stable address when reviewing a fee waiver request. If you receive services from a homeless shelter, please include a currently dated letter from the shelter. The letter should be on the shelter's letterhead, include a statement that you receive services from the shelter, and be signed by a shelter employee attesting to your situation. If you are homeless but do not reside in a shelter, please include an affidavit from a member of good standing in your community who knows you and can support your claim that you are homeless and unable to pay the fee(s).

# Determining who counts toward your household size and income

- **You count someone as part of your household size if that person is:**
  - **The biological, legal, or adoptive child (if not gone to live with you) or grandchild (if not age 21 or older)**
- **You**

My relative or roommate lives with me. Does their income  
count toward my household income?

- disabled with total or partial disability to the extent that they cannot
- Example: If you have a child who is under 18 and has a disability, you would report the child's income on the child's tax return. If the child's income is more than \$1,000, you would also report the child's income on your tax return. If the child's income is \$1,000 or less, you would not report the child's income on your tax return. If the child's income is more than \$1,000, you would also report the child's income on your tax return. If the child's income is \$1,000 or less, you would not report the child's income on your tax return.
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*I receive child support, but not the full amount as listed in the court order. Do I include the full amount of the child support as additional income or financial support or only what I actually receive?*

- **Annotate the actual amount of child support received. If there is a difference between what is stated in a court order or documentation, provide an explanation. Examples of documents may include bank statements, copies of checks, court documents, or other documentation indicating the actual income or financial assistance you are receiving.**

*How does my marital separation affect my eligibility for a fee waiver?*

- If you are requesting a fee waiver based on income, please provide a signed statement or documentation to establish that your spouse does not live with you and provides no income assistance. Acceptable documents may include a copy of the court order that formalized your legal separation, a formal notarized property settlement agreement, financial support agreement, or separate mortgage, lease, or utility bills that show you and your spouse live apart.

# Extreme Financial Hardship

Some examples of extreme financial hardship include:

- A medical emergency or illness affecting the noncitizen or the noncitizen's dependents;

How to

show that you are experiencing extreme financial hardship

- Include a detailed description of why you have extreme financial hardship on the form and provide evidence, including:
  - Documentation of income, assets, and liabilities, including any other expenses for which you are responsible.
- Example of documentation that shows my extreme financial hardship:
  - [ ]

*What if I do not have access to documentation that shows my extreme financial hardship?*

- If you cannot provide evidence of extraordinary circumstances, include thorough descriptions and explanation of why you need the fee waiver. Provide a copy of a public receipt, a sworn affidavit (signed and dated) if available, to support your standing in your community who knows you and can provide more insight into your current financial situation.

# How requesting a fee waiver affects your current immigration status

- The receipt of public benefits in the United States by USCIS is a consideration of the fee or past receipt of public cash assistance for income maintenance and long-term institutionalization at government expense in the totality of the circumstances, taking into account the amount, duration, and recency of the receipt. Currently, you and/or past receipt of benefits alone, however, is not a sufficient basis to determine whether an applicant is likely at any time to become a public charge. **find**

detailed guidance on these issues in [Volume 8, Part G](#) of the USCIS Policy Manual. Additional information is also available on our [Public Charge Resources](#) page.

- USCIS will deny your underlying application or petition if they determine that it involves false documentation, misrepresentation of facts, or other fraud, including fraud on a fee waiver request.

# COMMON REASONS WHY USCIS WILL REJECT A FEE WAIVER REQUEST

- The (other requestor) did not sign for the 9-22-20 letter not eligible for a fee, if you are You  
and on 14, you met the conditions for a fee, did not sign. indic

# Financial Assistance Considered Income In Fee Waiver Request

**To establish the total income, a request must include any additional financial assistance (not otherwise included in a tax return or W-2) including any Social Security income (as reflected on the SSA-1099) to the adjusted gross income in the tax return.**

**The table below includes some types of additional financial assistance that USCIS considers household income for a fee waiver request. The requestor must provide documentation of each type of additional financial assistance that applies.**

## Additional Financial Assistance

- ~~Consistent regular financial support from the child's family, friends, or agency depending on the person's living situation~~

# DOCUMENTING FINANCIAL HARDSHIP

	<b>Monthly payments of lawful debts</b>
	<b>Tuition costs</b>
	<b>Commuting costs</b>

**In general, if a requestor provides proof of inability to pay the fee based on financial hardship, the request for fee waiver may be approved on this basis and no further information is required.**

**Provide documentary evidence of any claimed expense mentioned in your request. Show how your documented income is spent on your documented expenses and leaves no remaining money that could be used to pay the filing fee.**

# **WHAT IF THE REQUESTOR HAS NO INCOME?**

**If the requestor has no income due to unemployment, homelessness, or other factors, the requestor may provide, as applicable:**

- **A detailed description of the financial situation that demonstrates eligibility for the fee waiver;**

**An officer may grant a request for fee waiver in the absence of some of this documentation, as long as the available documentation supports that the**



requestor is more likely than not unable to pay the fee.

## VAWA, T, and U-Based Requestors

USCIS considers whether a requestor is unable to obtain proof of income due to alleged victimization such as trafficking or abuse. If not otherwise eligible for a fee exemption, the requestor should describe the situation in the [Form I-912](#) or written request to substantiate the inability to pay as well as the inability to obtain the required documentation.

The requestor should provide any available documentation, such as affidavits from religious institutions, non-profits, or other community-based organizations verifying that the requestor is currently receiving some benefit or support from that entity and attesting to the financial situation.

## VAWA, T, and U-Based Requestors

Requestors seeking a fee waiver for any immigration benefit associated with or based on a pending or approved petition or application for VAWA benefits [\[28\]](#) or T or U nonimmigrant status that are not otherwise fee exempted do not need to list as household members or provide income information for the following people:

- Any person who is the household member of the abuser, requestor's trafficker, or perpetrator; or

In addition, such requestors do not need to list their spouse as a household member or include their spouse's income in the fee waiver request.

If a VAWA self-petitioner or recipient [\[29\]](#) (or their derivative(s)) or applicant, petitioner, or recipient of T or U nonimmigrant status does not have any income or cannot provide proof of income, the requestor may:

- Describe the situation for the fee waiver request in detail, including affidavits from religious institutions, income profiles, or other below 150-based or other TRU, as well as the ability to obtain the required living expenses or support from that entity and attesting to the financial situation, if available.

## Special Immigrant

## Juveniles

A petitioner or recipient of Special Immigrant Juvenile (SIJ) classification who files a fee waiver request for a filing not otherwise fee exempted does not need to provide proof of income. USCIS considers requestors in this category as part of their own household, without including any foster or group home household members.

Instead of proof of income, the fee waiver request must include documentation showing that the requestor has an approved petition for SIJ classification (for example, a copy of Notice of Action (Form I-797) for Form I-360).

# Emergent Circumstance

Natural catastrophes and other extreme situations [\[link\]](#) beyond a person's control may affect the ability to pay USCIS fees. Based on the USCIS Director's authority to waive a required fee, [\[link\]](#) USCIS may designate certain time periods or events in which a person may file a fee waiver request when not otherwise eligible. [\[link\]](#)

In such cases, the requestor must still file a fee waiver request and establish eligibility under one of the criteria (generally, financial hardship). USCIS may accept the request based on the requestor's statement even if there is no documentation of the emergencies and unforeseen circumstances.

*Unless otherwise eligible, requestors may only seek a fee waiver under those emergent circumstances described in the [Immigration Relief in Emergencies or Unforeseen Circumstances](#) webpage.*

## FEE REQUEST LINKS

### Forms

- [Form I-912, Request for Fee Waiver](#)

### Handouts

- [Guidance on Requesting a Fee Waiver for your Form I-765, Application for Employment](#) • [G](#)
  - [Authorization Form \(PDF, PDF, 15 KB\)](#)
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## [HOUSEHOLD CALCULATION](#)

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