

# Fee Waivers

## USCIS FEE WAIVERS

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

### Three Basis for Fee Waiver

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

2. The requestor's household income is below 150% of the Federal Poverty Guidelines ( FPG ); or

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 immigrants~~ or children of a ~~Battered immigrants~~ 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:

- You provide accurate information showing that you qualify based on one of the following criteria (see our [Fee Schedule](#) page); and
  - You are a public charge or a child, but not a child of a public charge, or a child of a public charge who is a child of a public charge (see the [USCIS Fee Waiver Policy](#) for more information); or
  - You are a public charge or a child, but not a child of a public charge, or a child of a public charge who is a child of a public charge (see the [USCIS Fee Waiver Policy](#) for more information).

# 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



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

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

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

- A child under 21 years of age who is a dependent of a parent who is receiving a means-tested benefit to qualify for a fee waiver as the grant recipient with the spouse and named legally as the parent.
- A co-receiver of a means-tested benefit to qualify for a fee waiver as the test-waiver recipient.

# **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 60 days from the date you filed Form 912 or the date it is initially 12 months from the date you filed your Form 912. If 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 Form 1040 or the person that earns can find more information about he 1040 at <http://www.irs.gov/publication>

[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).



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

- If you are requesting a fee waiver based on your household income being 150% of the federal poverty level, 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 interest-free loans, expenses covered by you and your dependents, and any other expenses for which you are responsible.
- Examine final
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*What if I do not have access to documentation that shows my extreme financial hardship?*

- If you ~~cannot~~ provide evidence of extreme financial hardship, include thorough descriptions and a plain explanation of why you need the waiver. Please 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, USCIS considers the fee for~~ ~~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. ~~Current~~ ~~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~~ ~~You~~ ~~can~~

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 fee waiver requestor did not sign Form I-912 or the not eligible for a fee waiver. You are not eligible for a fee waiver if you are not a U.S. citizen or permanent resident.

## 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~~ ~~institution,~~ ~~parents,~~ ~~agency~~ ~~depending~~ ~~on~~ ~~the~~ ~~person~~ ~~living~~ ~~in~~ ~~the~~ ~~applicant's~~ ~~household~~

# 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:**

- **Applicable 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, trafficker, or human trafficker; or



# 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 Authorization \(PDF, PDF, 1.5 KB\)](#)
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## [HOUSEHOLD CALCULATION](#)

## [HHS POVERTY GUIDELINES 2024](#)

## [MORE INFO](#)

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