

Making the Naturalization Process Less Daunting by Reforming the USCIS Fee Structure

Frequent large fee increases serve as a barrier to naturalization

In the last 20 years, the cost of naturalization has gone up *more than 650%*. Annualized, that is more than 32% per year—compared to an annual rate of inflation of about 5.5% over the same period. Immigrant service providers say the fees have become a barrier, especially for low-income immigrants. There is still a high demand for citizenship, but immigrants are putting off applying until they figure out how to pay for it.

Surcharges are part of the problem

Part of the reason fees are so high is that the application cost includes the cost of a range of activities performed by U.S. Citizenship and Immigration Services (USCIS) that have little or nothing to do with that application. For example, for the roughly 80,000 persons a year who are brought to the U.S. as refugees, the government does not charge an application fee. However, Congress does not give USCIS money to process the applications of those refugees. (The exceptions being in 2010 and 2011, when USCIS was partially compensated for this work.) Instead, other immigrants pay through a surcharge on their applications—estimated to be \$40 per application in 2007.

Other agency costs add to the surcharge. For example, some indigent immigrants can obtain a fee waiver for certain applications, and the processing of those applications is charged to other immigrants (averaging \$32 in 2007). The costs of other USCIS activities having nothing to do with application processing are also included in fees.

Two schools of thought on cost recovery

The law permits USCIS to set fees to recover its costs, and until very recently, the agency interpreted this to mean it should recover *all* of its costs from user fees. However, costs unrelated to the processing of applications have become burdensome. Since the terrorist attacks of September 11, 2001, new layers of security screening have been added to the application processing of a range of immigration benefits, including naturalization. These security checks go beyond determining eligibility for citizenship. They serve a *public benefit*, by protecting the *public* from national security threats. The cost of performing these security checks are layered on top of other costs mentioned above, which are on top of the cost of processing a citizenship or other application. It all adds up to be what is, in effect, a hefty tax levied on a small group of taxpayers.

Another method of cost recovery is to divide costs among stakeholder groups. By this method of cost recovery, the government would pay for costs that provide a public benefit, and applicants would pay for the costs associated with processing their application, including routine screening for criminal activity and other eligibility criteria.

To reduce the burden on citizenship applicants, reform the fee structure

- **The Government should Pay for Humanitarian Benefits it Provides:** Providing refuge to persons fleeing persecution is a humanitarian benefit provided by the U.S. government. It makes sense to distribute the costs of processing refugee and asylum applications more broadly. Similarly, the government should pay the cost of processing the applications it has decided to process for free.
- **The Government should Pay for National Security Checks that Broadly Benefit the Public:** The cost of screening and security checks should be divided between what applicants should pay for a background check to determine eligibility for citizenship and what the government should pay to protect the public from threats to national security.