



March 13, 2023

Carol Cribbs  
Deputy Chief Financial Officer  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
5900 Capital Gateway Drive  
Camp Springs, MD 20746

*Submitted via regulations.gov*

**Re: End SIJS Backlog Coalition’s Comment on U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements; DHS Docket No. USCIS-2021-0010**

Dear Ms. Cribbs,

The [End SIJS Backlog Coalition](#) respectfully submits this comment in response to the request for comments on USCIS’s proposed fee schedule changes (“the Proposed Rule”).<sup>1</sup> The End SIJS Backlog Coalition (“the Coalition”) is a national group of over 70 child welfare and legal services organizations and impacted youth working together to educate Congress, relevant administrative agencies, and the public about the harmful impacts of visa caps on vulnerable immigrant children, and to advocate for an end to the backlog for Special Immigrant Juvenile Status (SIJS) recipients. We believe that ending the backlog would restore the purpose of the SIJS statute, which is realizing permanent legal protection in the United States for immigrant children who have survived abuse, abandonment, and neglect. As we work toward a legislative solution, we also advocate with administrative agencies to mitigate the worst harms of the backlog.

---

<sup>1</sup> U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 88 Fed. Reg. 402 (Jan. 4, 2023), <https://www.federalregister.gov/documents/2023/01/04/2022-27066/us-citizenship-and-immigration-services-fee-schedule-and-changes-to-certain-other-immigration>.

The Coalition has an interest in this proposed rulemaking because the Proposed Rule would alter the fee scheme for immigration petition and application forms that impact SIJS youth in the backlog—those whom we advocate for and alongside. Our comment below is limited exclusively to the proposed rule provision governing SIJS-related forms, proposed 8 CFR § 106.3(b)(1); we make no comment about any of the other proposed changes. We write to 1) highlight the positive impact on SIJS youth of the fee exemptions found at proposed 8 CFR § 106.3(b)(1), and 2) recommend small changes to the proposed rule’s language to ensure its purpose to protect SIJS youth is served.

**I. The Coalition Applauds the Proposed Rule’s Fee Exemption for SIJS-Related Applications (Proposed 8 CFR § 106.3(b)(1)); It Will Provide an Important Protection for Special Immigrant Juvenile Children and Youth.**

We are excited that USCIS proposes to eliminate the fees associated with SIJS-related forms.<sup>2</sup> The proposed rule exempts SIJS youth from fees related to the following forms: Form I-485, Form I-131, Form I-601, Form I-765, and Form I-290B.<sup>3</sup> The Coalition appreciates DHS’s recognition that most SIJS youth—due to the same circumstances that make them eligible for SIJS—have no means to pay the fees for these forms.

The Proposed Rule’s fee exemptions for SIJS youth will significantly reduce the financial limitations vulnerable SIJS youth face because they have been abused, abandoned, or neglected by one or both parents. In a 2021 report authored by our Coalition and featuring the stories of directly impacted SIJS youth, we highlighted some of the obstacles SIJS youth face while waiting for their visa priority date to become current.<sup>4</sup> Examples include lack of parental financial and emotional support, being present in the United States without identity documents, being unable to go to college because of a lack of financial aid available to undocumented youth, and vulnerability to deportation.<sup>5</sup> DHS’s proposal to exempt SIJS youth from application fees through final adjudication of Form I-485 recognizes the financial and personal situation of SIJS recipients and allows them to access the protections afforded to them as SIJs without unnecessary barriers.

The proposed fee exemption would also remove unnecessary burdens on SIJS youth that they currently face when applying for a fee waiver. Coalition members have routinely reported I-912 fee waiver rejections for SIJS youth, which necessitates re-filing and results in even further delay of access to the stability that these applications can provide. By exempting SIJS youth from application fees altogether in the proposed rule, DHS would remove the burden currently imposed on vulnerable SIJS youth to provide evidence that these youth may or may not have due to their vulnerable status.

---

<sup>2</sup> See 88 Fed. Reg. at 463 (explanatory commentary), 594 (text of proposed 8 CFR § 106.3(b)(1)).

<sup>3</sup> *Id.*

<sup>4</sup> End SIJS Backlog Coalition & The Door, “*Any Day They Could Deport Me*”: *Over 44,000 Immigrant Children Trapped in the SIJS Backlog* (Nov. 2021), <https://www.sijbacklog.com/any-day-they-could-deport-me>.

<sup>5</sup> *Id.*

## **II. The Coalition Recommends Small Amendments to Proposed 8 CFR § 106.3(b)(1) to Better Fulfill Its Purpose to Benefit SIJS Youth Awaiting Adjustment of Status**

Although the proposed regulation has clear language exempting SIJS youth from fees associated with the adjustment of status application, the proposed rule does not explicitly state whether the fee exemption applies also to work authorization requests (Form I-765) filed by SIJS recipients who do not yet have a visa number available and thus are seeking work authorization on a basis other than (c)(9) (for those with pending adjustment applications). In particular, since May 2022 USCIS has granted deferred action to tens of thousands of SIJS youth who are awaiting visa availability before they can adjust status; these youth are able to apply for work authorization under category (c)(14).<sup>6</sup> To better protect SIJS recipients, we recommend that the proposed regulation, 8 CFR § 103.6(b)(1), be changed as follows:

“(1) Persons seeking or granted Special Immigrant Juvenile classification who file any of the following forms before adjustment of status, whether or not related to the application for adjustment of status:

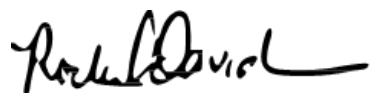
....

(v) Application for Employment Authorization (Form I-765), in any category for which the person is eligible to apply, including but not limited to (c)(9).”

The addition of the above language in the proposed regulations would ensure SIJS youth seeking immigration benefits receive the fee exemption intended by the rule, by providing clear guidance to adjudicators when processing applications filed by SIJS youth.

We appreciate the opportunity to comment on this rule.

Sincerely,



Rachel Leya Davidson  
Director  
[End SIJS Backlog Coalition](#)  
2201 Wisconsin Ave NW, Suite 200  
Washington, DC 20007

---

<sup>6</sup> See USCIS Policy Manual, Vol. 6, Pt. J, Ch. 4.G, <https://www.uscis.gov/policy-manual/volume-6-part-j-chapter-4>.