



Legislation Text

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File #: Res 0340-2024, Version: \*

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Res. No. 340

Resolution calling on the U.S. Citizenship and Immigration Services (USCIS) to eliminate filing fees for humanitarian benefit applications and subsequent employment authorization applications and calling on Congress and the President to move significant funding to USCIS to cover the funding lost by the eliminated filing fees.

By Council Members Rivera, Cabán, Avilés and Banks

Whereas, Currently, USCIS is funded primarily by fees charged to individuals and entities applying for or petitioning for immigration benefits; and

Whereas, Of USCIS' Fiscal Year 2023 5.9-billion-dollar budget, roughly 5 billion comes from filing fees; and

Whereas, Although funding to USCIS from Congress has increased over the past few years, particularly for application processing, it is still minimal compared to the funding provided by filing fees; and

Whereas, The filing fees include applications for humanitarian immigration benefits and subsequent work authorization applications; and

Whereas, Humanitarian benefits include humanitarian parole, refugee status, asylum status, and temporary protected status; and

Whereas, These humanitarian programs and protections are intended to assist individuals fleeing disasters and oppression or in need of support for other urgent circumstances; and

Whereas, Although there is no fee to apply specifically for refugee or asylum status, there are fees required for first-time applicants of temporary protected status and certain applicants for humanitarian parole; and

Whereas, Additionally, all humanitarian benefit applicants, excluding refugees and certain parole

programs, are required to pay for an employment authorization application; and

Whereas, According to USCIS, the fees range depending on applicants' and petitioners' ages and the specific benefits being applied for, but can end up costing over 500 dollars; and

Whereas, Applications for employment authorization alone are around 410 dollars; and

Whereas, For individuals fleeing war, economic collapse, or natural disasters, entering the United States already comes with significant financial barriers; and

Whereas, Individuals that are applying for humanitarian relief and subsequent work authorization are often entering the country with minimal or no money to support themselves, and often have to rely on charities, businesses, or family members to pay filing fees; and

Whereas, For individuals seeking humanitarian relief, paying a filing fee is difficult, if not impossible; and

Whereas, Additionally, these filing fees are substantial obstacles for accessing work authorization; and

Whereas, Although fee waiver applications are available, the requirements are complex and specific, and filing improperly will jeopardize the entire application process; and

Whereas, In New York City, these financial barriers for accessing humanitarian relief and work authorization are significant because of the influx of asylum seekers and migrants that have come to New York over the last year; and

Whereas, New York City has welcomed over 130,000 migrants and asylum seekers over the last year, and 65,000 remain in the care of the city; and

Whereas, For individuals eligible for temporary protected status, humanitarian parole, or asylum, the required filing fees will likely complicate or delay access to relief and work authorization; and

Whereas, Without eliminating fees for applicants of humanitarian relief and subsequent work authorization, these additional financial barriers could force them to enter an underground economy that increases their risk of labor exploitation or harm; and

Whereas, Although the Biden Administration has proposed additional Congressional funding be directed to USCIS, this proposal did not address the filing fees for humanitarian relief and subsequent work authorization; and

Whereas, At the beginning of 2023, USCIS proposed increasing their fee schedules, and although details of what exact fees would be included are not yet available, if the increase includes humanitarian relief and subsequent work authorization, this will further complicate access to benefits and work permits; and

Whereas, Individuals who have come to the United States seeking humanitarian relief should not be charged for their applications for relief or employment authorization; and

Whereas, Congressional funding for USCIS must be increased to eliminate these fees; and

Whereas, Additional Congressional and Biden Administration funding for USCIS would be an effective way to invest in legal immigration and work authorization in the United States, thereby economically benefiting the entire country; now, therefore, be it

Resolved, That the Council of the City of New York calls on the U.S. Citizenship and Immigration Services (USCIS) to eliminate filing fees for humanitarian benefit applications and subsequent employment authorization applications and calling on Congress and the President to move significant funding to USCIS to cover the funding lost by the eliminated filing fee.

LS #14603, 14604  
11/17/2023  
RLB