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Volunteer email about shift to fee waivers + new filing guidance

We are extremely sorry for the delay in filing completed applications. ANAR has sent out 30 applications this week as funds came in and is at work assembling more. After weeks of investigation and discussion, we have decided on some significant changes in how we as a Project support the filing of applications. Below is a description of the new process, and at the bottom of this email you will find a brief explanation about the factors that went into developing this new process.

1. Going forward, we are asking volunteers to file fee waivers for applications where there is a US requestor, and that person is not serving as the US sponsor.

This is straightforward where, for example, you are working with a family where there is a US requestor who cannot serve as the sponsor due to not meeting the financial requirements. If they do not meet the income requirements to serve as a sponsor, they likely meet the fee waiver eligibility requirements. USCIS is approving fee waivers in these situations. If they reject a fee waiver, they'll likely do so quickly and we can assess next steps if/when that happens.

This is more complicated when the applicant has no US connections.

We strongly encourage everyone to work with their assigned applicants to identify a U.S. connection, as it is extremely important to have U.S. addresses on the application. We want to prioritize using our limited funds for applicants in the rare situation where they truly have no U.S. connections. The reason those applicants who are self petitioning Afghans without US connections will very likely not have successful fee waivers applications is because the I-912 fee waiver form requires US financial evidence, USCIS routinely denies fee waivers from people outside the US due to insufficient evidence.

If you believe an applicant has no U.S. connections, we encourage you to take the time to ask them to try to identify someone. We find that often, someone is able to identify someone they know. It does not need to be close family. Some questions to ask: Where do you plan to go in the U.S.? Who do you plan to live with if your parole is granted?

2. We will assist with filing applications that have already been sent to us up until today's date. If you have not yet sent us your final application, we ask that you and/or the beneficiary file it on your own going forward. We remind applicants that pro se filing was the model we started out with in August.

Pangea Legal Services, our fiscal sponsor, had dedicated staff to file applications as a means of distributing filing fee funds. This is not something that we can continue doing given the significant administrative burden. We believe that our limited filing fee funds will go further if we can instead distribute them directly to those who absolutely need the fee assistance. We also would rather direct all of our funds to filing fees, instead of the additional costs of printing and mailing such large quantities of applications.

3. We will reach out to everyone who has already sent us a final application within the next day. We have already reviewed final applications to determine fee waiver eligibility. We may ask you to adjust your application so that it can be filed with a fee waiver. If you have already filed a final application on your own, please let us know.

In the coming days, you may receive an email from us asking you to complete a fee waiver. You may wish to start to try for one sooner than that on your own.

We are sorry that we **cannot** respond to each email with a specific date you can expect your applications to be filed. We had been filing applications as we received funds, but that will change a bit as we shift to this new model of utilizing fee waivers for some applications.

You may choose to adjust your application by utilizing a different US requestor, so that the sponsor and US requestor become different people and so you can try to file a fee waiver. We are sorry to ask you to do additional work but we encourage folks to do this where possible.

Some of you may choose to file applications on your own to get them out the door sooner, especially if you find you may be eligible for a fee waiver. If you do this, please let us know, we are still happy to review the applications.

4. We remind you also that USCIS is taking longer than 90 days to review applications, and that applicants within Afghanistan still don't have a clear pathway to completing processing, so we are hopeful that these delays won't severely impact outcomes. This is not to minimize the urgency that Afghan applicants are experiencing right now, but to hopefully help you set expectations with applicants.

Links to fee waiver guides/resources/samples

[FEE WAIVER PRACTICE POINTER!](#)

Please find some VERY USEFUL examples of redacted approved fee waivers on various basis from our friends at Pars, [here](#).

TEMPLATE [written fee waiver requests](#) for self-petitioning Afghans (these are from partners who have had success with this!)

SAMPLE [successful I-912 for overseas Afghans](#)

FAQ

- **Who's information do I put in part 3 where it states "self"?**
 - This should be the information of the petitioner on the i-131. It's possible that you have the same petitioner on a group of family's applications—each i-912 might look the same in that case, but each I-131 should receive an I-912. For a self-petitioning Afghan, you can use the above template successful overseas I-912 and do one per applicant.
- **My application hasn't been submitted to you yet, what will happen with it?**
 - We ask that you try to complete a fee waiver with your application. This might require adjusting the application. This will enable the application to be filed, it is unlikely that we will have enough funds to cover each and every application assigned within this project, in addition to the other applications many volunteers have organically taken on.
 - We will still review applications. If for some reason it is not possible for an applicant to print and file the application, we can support with that as well. The reason we were filing each application previously was because we needed to do that to be able to efficiently attach the checks. When the project first started, U.S. requestors were generally filing on their own in keeping with a pro se model of assistance.
- **My application was sent to you BEFORE last week's email, what will happen with my application?**
 - Everyone who has a pending app from prior to 11/24 should've received an email that needs a response. Please respond as soon as possible. Everyone who has not yet completed their application or completed it after that date, we strongly encourage you to pursue a fee waiver. When your application is complete, still email it to us at the [afghanresources.final](#) account for us to review prior to filing. We ask applicants/requestors/sponsors/volunteers to file the application on their own, although we will continue to file on a case by case basis, *after* we complete

filings from prior to 11/24. Project ANAR will still review all applications, and can assist with filing.

- **Why did you determine that our applicants couldn't receive fees?**

- Our approach was not who *can* receive fees, but rather, who can we file applications for with fee waivers, when we 1) have no more filing money but want to file applications and 2) don't want to send the government so much money if we don't have to.
- We want to be clear that this decision was not made based on some sort of evaluation of applicant risk to each applicant or any other factor--we have only used fees in the order in which applications were received and finalized. This scheme--utilizing fee waivers and allocating the limited funds we have on an as-needed basis when fee waivers cannot be utilized--is what most pro bono projects assisting Afghans have been doing from the beginning. We were lucky to have additional resources because our fundraiser reached many people, but we unfortunately cannot sustain that model. We are glad that for several weeks we could file applications quickly with fees, but we can no longer do that because we no longer have that stream of donations.
- As a reminder, this started as a rapid response volunteer run project providing *pro se* assistance to Afghans seeking humanitarian parole, and it started with Afghan Americans filing these applications on behalf of our own family and friends. We do not take any of this lightly and understand the concerns of legal volunteers, beneficiaries, sponsors, and their families.
- In addition to not having the hundreds of thousands of dollars in filing fees we would need to be able to sustain the initial model, we also think it is most ethical to pursue fee waivers wherever possible as Afghans are in such a difficult situation and the USCIS has thus far not chosen to use its discretion to eliminate the filing fee or approve more applications since August. We understand it may be difficult to relay this information to applicants, and appreciate all of the work you are doing. We suggest explaining to applicants that this shift will realistically allow their application to be filed sooner rather than waiting for the filing fee. This is an approach that leading practitioners have also been implementing. The filing fee requirement is one imposed by the government, and our work is to help folks navigate this on a primarily pro se basis.

- **Will applying for a fee waiver disadvantage an application?**

- There is no reason to believe that applying for a fee waiver will result in an unfavorable adjudication on an HP application. Fee waivers are a commonly utilized tool in immigration applications. The primary reason we avoided using

them early on was because we didn't want to delay adjudication. That is no longer a real concern given that fee waivers are being processed quickly and that adjudications are all taking longer than 90 days.

- If someone still chooses to pay the fees, we strongly discourage applicants covering these fees themselves unless they're truly in the financial position to do so.
- **What is happening to Afghan HP applications?**
 - Your applications may receive a new receipt notice specific to the updated USCIS Afghan Humanitarian Parole system. Additionally, USCIS has begun to deny Afghan HP applications filed in the end of August, based on insufficient evidence. There is an effort among practitioners to gather information and push back on this approach. We want to continue filing applications and putting pressure on the government to use its discretion to grant parole, but given this reality and the strong possibility of getting fee waivers approved, it is no longer strategic to file with fees unless there is truly no way to make the applicant eligible for a fee waiver.
- **How will the donations you do have for filing fees be distributed?**
 - We do not currently have additional funds that haven't been allocated to applications based on when they were finalized. The applications that were waiting the longest are currently being filed with the fees that we do have or anticipate having soon. Please keep an eye out for more guidance about how we will distribute additional filing fee funds as they come in going forward. Again, our goal is to prioritize allocating funds to applicants without U.S. connections, since they're not going to be fee waiver eligible, but we want to maintain transparency about how we will be doing that, and it will depend primarily on available funds.

Guidance for self-petitioning applicants

SELF-PETITIONING AFGHAN APPLICANTS OR APPLICANTS THAT MIGHT OTHERWISE NOT APPEAR "ELIGIBLE" IN LINE WITH THE ABOVE GUIDES:

- Form I-912 is technically not "required" in order to request a fee waiver. Applicants can make written requests for fee waivers, but the form I-912 demonstrates the evidence needed to adjudicate a fee waiver, and should be utilized. In addition to that, we can try the following when a typical case for an I-912 as in the samples above does not apply to your situation. You can do the following:

- Attach a cover sheet that states “Fee Waiver Requested”
- a letter that serves as a written fee waiver request (because the fee waiver form is not technically required although it is best to use)
- USCIS’s internal guidance on fee waivers is in [Section 10.9 of their Adjudicator’s Field Manual](#). You can make sure you consider the types of assets described here and address whether your client has those assets, why documentation is not reasonably available if there is no documentation, and why it would be a financial hardship to access any non-liquid assets (for example, cannot safely sell home) and to spend any liquid assets (need cash to live / flee safely because the applicant cannot work).
- Provide evidence, where possible, such as copies of monthly bills and payments, and documentation for monthly expenses and any extenuating circumstances, such as medical bills. If you cannot provide evidence of income, you may submit affidavits from religious institutions, non-profits, or community-based organizations verifying that you are currently receiving some benefit or support from them
- If you do not have any income, financial support, or cannot provide evidence of income, describe your particular situation that you believe qualifies you for a fee waiver in Part 5., Item Number 9. If available, you may submit affidavits from, for example, religious institutions, non-profits, community-based organizations, or similarly recognized organizations, indicating that you are currently receiving some benefit or support from the organization verifying (or attesting to) your situation; You can get a letter from an org attesting to the fact the person does not have any income and then file based on two basis: 1) income below poverty guidelines PLUS 2) financial hardship but if you do financial hardship they have to attest to their expenses so technically you could just do it under income below. Usually using the basis for income below poverty guidelines you need US tax docs etc but that is why I am suggesting you provide an affidavit from a US group