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Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

**DHS Docket No. USCIS-2026-0265, Naturalization Application Fee
Adjustments, RIN 1615-AD08**

To whom it may concern:

I write on behalf of MALDEF (Mexican American Legal Defense and Educational Fund), in response to the request for comment on Naturalization Application Fee Adjustments from the U.S. Citizenship and Immigration Services (USCIS) under the Department of Homeland Security (DHS) that was published in the Federal Register on June 23, 2026. 91 Fed. Reg. 37,500 (June 23, 2026) (DHS Docket No. USCIS-2026-0265). Founded in 1968, MALDEF is the nation's leading Latino legal civil rights organization. Often described as the "law firm of the Latino community," MALDEF promotes social change through legislative and regulatory advocacy, community education, and high-impact litigation in the areas of voting rights, education, immigrants' rights, employment, and freedom from open bias.

MALDEF takes this opportunity to express its views on how the proposed changes will impact Latinos in the United States and their ability to apply for naturalization services administered by USCIS. MALDEF opposes the agency's plan to raise the costs of naturalization applications and to eliminate fee waivers, fee exemptions, and reduced fees.

On June 23, 2026, USCIS published a notice of proposed rulemaking (NPRM) that, if implemented, would raise the fees for naturalization and eliminate almost all reduced fee options and fee waivers for naturalization applications.¹ Specifically, the NPRM proposes to raise the fee for filing Form N-336, Request for a Hearing on a Decision in Naturalization Proceedings Under Section 336, from \$830 for a paper filing to \$1,475 and from \$780 for an online filing to \$1,425, an increase of 78% and 83%, respectively.² Likewise, the NPRM proposes to raise the fee for Form N-400, Application for Naturalization, from \$760 for paper filings to \$1,330 and from \$710 to \$1,280 for online filings, an increase of

¹ Naturalization Application Fee Adjustments, 91 Fed. Reg. 37,500 (June 23, 2026).

² *Id.* at 37,502.

75% and 80%, respectively.³ Additionally, the NPRM would eliminate the reduced \$380 fee for N-400 for noncitizens with household income below 400% of the federal poverty guideline.⁴ On July 8, 2026, DHS then issued a correction to the NPRM to add the affected public, the estimated total number of respondents, and the estimated burden in time and cost of the N-336's overview of information collection.⁵ DHS did not allow extra time to comment in light of the delayed correction.⁶

The Administrative Procedure Act (APA) instructs reviewing courts to “hold unlawful and set aside agency action, findings, and conclusions found to be...arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.”⁷ Under the APA, agencies must engage in “reasoned decisionmaking” when promulgating rules.⁸ For the reasons described below, the NPRM fails to meet this requirement and thus violates the APA.

USCIS describes this NPRM as an attempt to return to the “beneficiary-pays principle,” under which “the beneficiaries of a service pay the cost of providing that service[,]” rather than the “ability-to-pay principle,” under which “those who are more capable of bearing the burden of fees pay more for the service than those with less ability to pay.”⁹ Reduced fees, fee waivers, and fee exemptions, according to USCIS, follow from the ability-to-pay principle.¹⁰ USCIS cites a Government Accountability Office (GAO) report from 2008 that claims that the beneficiary-pays principle “promote[s] equity” and “economic efficiency[.]”¹¹ If DHS were genuinely realigning its fee schedule to reflect the beneficiary-pays principle, one would expect it to lower fees in categories where current charges exceed actual costs. But DHS gives no indication that it intends to do so; it merely notes that it “may limit increases...in the future.”¹² Furthermore, DHS claims that “USCIS should prioritize getting immigrants in a position where they are eligible to naturalize”—that is, by lowering the costs of various nonimmigrant visa applications—“if it cares about integration.”¹³ It is disingenuous of DHS to argue that USCIS should prioritize eligibility for naturalization when DHS is simultaneously producing an anti-immigrant climate and pretending that it is not making humanitarian relief harder to obtain or stripping people of that relief.¹⁴ DHS should rescind this NPRM and instead do what it claims USCIS should: prioritize providing immigration benefits to those who need them.¹⁵

Despite USCIS’ correct description of citizenship as a “matchless benefit,” USCIS attempts to quantify the inherently unquantifiable: naturalization means much more than fee revenue and even the economic

³ *Id.*

⁴ *Id.*

⁵ Naturalization Application Fee Adjustments, 91 Fed. Reg. 42,144 (July 8, 2026).

⁶ *Id.*

⁷ 5 U.S.C. § 706 (1966).

⁸ *Bhd. of Locomotive Eng’rs & Trainmen v. Fed. R.R. Admin.*, 972 F.3d 83, 115 (D.C. Cir. 2020) (quoting *DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 16 (2020)) (internal quotations omitted).

⁹ 91 Fed. Reg. at 37,506.

¹⁰ *Id.*

¹¹ *Id.* at 37,507.

¹² *Id.* at 37,515–16.

¹³ *Id.* at 37,517.

¹⁴ *Id.* at 37,517. *See also*, e.g., Reshma Kirpalani, *Haitian TPS Holders in South Florida Brace for End of Their Legal Status*, NAT’L PUB. RADIO (July 29, 2026), <https://www.npr.org/2026/07/29/nx-s1-5910837/haiti-tps-florida-trump-immigration>.

¹⁵ *See id.* at 37,517.

benefits associated with full civil participation.¹⁶ Yet in the NPRM, DHS devalues citizenship by describing it as “additional privileges[,]” including “the ability to vote in Federal elections[,]” which it claims “are not as critical to the immediate wellbeing of [noncitizens] as other immigration benefits[.]”¹⁷ DHS now asserts that the benefits of naturalization—by its own admission “the most meaningful immigration benefit the United States can bestow[,]”—no longer justify lowered fees. Instead, DHS argues that the very value of naturalization justifies raising its costs.¹⁸ DHS’s analysis that naturalization is an inelastic good implies, however unintentionally, that USCIS seeks to profit from those seeking naturalization rather than to provide a service.¹⁹ This analysis also belies any reliance in setting fees on the actual costs of processing and determining naturalization applications. In effect, the DHS is implementing a statutorily unsupported and amorphous “intrinsic value” method of setting fees.

More concerning, DHS provides no explanation for this change of priorities, nor does it adequately justify its elimination of reduced fees, fee waivers, and fee exemptions.²⁰ For instance, the claimed need for more extensive vetting rings hollow: lawful permanent residents (LPRs) already undergo extensive vetting.²¹ Additionally, while DHS claims that “fee waiver eligibility...creates adverse incentives...to apply for naturalization, DHS makes this assertion without evidence, merely suggesting that the availability of reduced or waived fees motivates LPRs to apply for naturalization “prematurely[.]”²² In failing to provide any evidence supporting its proposed policy changes, DHS has instead engaged in arbitrary and capricious decisionmaking in violation of the APA.²³

When taken together with the administration’s recent attempt to restrict birthright citizenship—an effort the Supreme Court struck down—this move to raise the cost of naturalization represents another attempt by the current administration to establish a system in which access to the full rights of citizenship is disproportionately limited to those with greater economic resources, a burden that falls most heavily on low-income immigrants of color. For the foregoing reasons, MALDEF respectfully requests that USCIS rescind the NPRM in its entirety. Please feel free to contact us with any questions or concerns about these comments at (202) 293-2828 or efindley@maldef.org.

Thank you.

Sincerely,


Ellen E. Findley
Legislative Staff Attorney

¹⁶ *Id.* at 37,518.

¹⁷ *Id.* at 37,517.

¹⁸ *Id.* at 37,516.

¹⁹ *See id.* at 37,521.

²⁰ *Id.* at 37,518.

²¹ *Id.* at 37,518.

²² *Id.* at 37,520.

²³ *See* *Dep’t of Com. v. New York*, 588 U.S. at 752, 755 (2019) (decisionmaking arbitrary and capricious where there was “a significant mismatch between” the agency’s decision and the sole rationale provided for it).