



March 13, 2023

AAMVA Electronically Submitted Comment to the Docket:

U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements Proposed Rule (DHS Docket No. USCIS-2021-0010; RIN 1615-AC68]

AAMVA thanks USCIS for the opportunity to provide comment on the proposed adjustments made to certain immigration and naturalization benefit request fees charged by U.S. Citizenship and Immigration Services (USCIS). As required by law, USCIS has conducted a comprehensive biennial fee review and determined that its costs have increased considerably since its previous fee adjustment due to expanded humanitarian programs, higher demand, increased processing times, and a need for more USCIS employees. As a fellow public service agency, AAMVA empathizes with the ever-increasing demand being placed on limited resources available for public service. With that in mind, AAMVA offers the following comments on the proposed rule.

AAMVA's comments are specific to the proposed fee increase associated with the Systematic Alien Verification for Entitlements (SAVE) program which the states rely on to make legal presence determinations in compliance with federal security vetting requirements associated with the REAL ID Act (P.L. 109-13). While USCIS inclusion of content regarding this fee increase in the Notice of Proposed Rulemaking (NPRM) are minimal, the implications for the fee increase on the states are significant. The NPRM cites SAVE (alongside the Office of Citizenship) as "integral parts of fulfilling USCIS' statutory responsibility to provide immigration adjudication and naturalization service." The footnotes associated with this statement go on to describe that "USCIS funds the SAVE Program by user fees and IEFA funds, as Congress has not provided any direct appropriated funds for the program since FY 2007. SAVE provides an 'immigration adjudication...service' under INA sec. 286(m) and (n) to Federal, state, and local agencies that require immigration adjudication information in administering their benefits." AAMVA and its membership rely on SAVE as final arbiter on conferring legal status associated with REAL ID compliant licenses, and in some cases, in order to fulfill state obligations of verifying legal presence prior to issuing driving privileges. Given the majority of cases referred through SAVE are to confer compliance with the federal REAL ID program, AAMVA seeks USCIS discretion or relief in the imposition of additional fees. AAMVA and its members certainly understand that there are necessary funding gaps in the general fulfillment of the USCIS mission during the lack of sufficient appropriations, but leveraging state resources to fill that gap for agencies seeking to comply with federal law places the states in the difficult position of standing in for the absent federal appropriations in order to satisfy a federal mandate.

As state public service agencies, AAMVA members are required to report to the public and submit timely submissions regarding their own state budget and appropriations requests to their state assemblies which hold them accountable for such requests. Timely communications on expectation that fees will be increased are essential to public benefit granting agencies and state motor vehicle offices. They are beholden to provide both context and narrative in a timely fashion to the state executive budget and state appropriations committees. In the instance of the SAVE fee increase, there were numerous issues in the effectiveness of the communication. While end users were provided with a chart describing the increase, there was no context or narrative that would assist the states in describing how the increased fees would result in increased system efficiencies or state or public constituent benefits. Providing standard language describing both why the fees are necessary and the shared program benefits would be helpful in developing the appropriate materials to state policymakers and ensure states have the appropriate level of context to have informed conversations with the appropriate state officials. Additionally, AAMVA would encourage the communications hit the right audience. While end users of the system are certainly one audience, state agency heads and policymakers may also benefit from receiving information

directly from USCIS. Any additional expansion of the communication stream to include additional stakeholders would be helpful. Finally, some states work on a biennial (or longer) budget or legislative calendar cycles whereby changes to program fees require the appropriate time to submit and gain approval over the course of multiple years. Expectation that states may immediately recognize and channel a federal fee increase through the desired funding channels requires the states be given the appropriate time to handle the change. AAMVA requests that USCIS take into consideration the time considerations of complex state funding mechanisms, consider developing descriptive language to accompany the fee increase that demonstrates program improvements and efficiencies gained as a result of the increase, and consider utilizing more impactful communication channels to ensure the right audiences are receiving notice of the resultant fee increase.

Additionally, AAMVA would take this opportunity to highlight some of the Agency's own budget overviews describing USCIS FY 23 program goals ([link](#)). Page 35 of this budget overview describes the percent of time that USCIS mission essential systems are available for service to end users. Given state reliance on the SAVE system to provide timely returns on in-person processing of driver's license applications, it is essential that the SAVE system strive to have corresponding uptime for target metrics and call out the SAVE System – either by name as its own reliant system in performance goal setting, or as part of the “mission essential systems” described in the budget request. Additionally, and given state driver's license applicants may drive long distances at inconvenience to fulfill their application obligations, AAMVA feels a more stringent goal than 99 percent should be targeted for FY 2023 or beyond. 99 percent system uptime still leaves the states with unmanageable service issues and lines. For each percentage of downtime not attained by the performance metric, potentially eligible applicants are inappropriately refused service for credentials that serve as a gateway to economic, societal, and financial inclusion. AAMVA also strongly encourages USCIS to include performance metrics around case status resolution as part of system evaluation. Both of these metrics will help states partner with USCIS in providing transparency regarding our shared dependence on SAVE for conferring benefits.

AAMVA appreciates the recent increased communications between SAVE offices and AAMVA members. USCIS staff have been accommodating in the aftermath of the fee increase. AAMVA looks forward to continued engagement on the shared goal of increasing automation and efficiency in the SAVE verification process, in addressing the backlog associated with service efficiencies and looks forward to continued collaboration and partnership with USCIS moving forward.

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