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March 22, 2007

Director, Regulatory Management Division
US Citizenship and Immigration Services
Department of Homeland Security
111 Massachusetts Ave. NW, 3rd Floor
Washington, D.C. 20529

RE: DHS Docket # USCIS-2006-0044

**Proposed Rule – Adjustment of the Immigration and Naturalization Benefit
Application and Petition Fee Schedule**

On behalf of the National Korean American Service & Education Consortium (NAKASEC), I am writing to strongly oppose the increase to immigration and naturalization fees that US Citizenship and Immigration Services (USCIS) proposed on February 1, 2007.

Founded in 1994, NAKASEC is a consortium of local community-based organizations in Chicago, Los Angeles, and New York. NAKASEC's mission is to project a national voice on major civil rights and immigrant rights issues and to promote the full participation of Korean Americans in American society.

The Korean American community is largely immigrant; according to the 2000 Census, approximately 78% of Korean Americans were born outside of the US. The Department of Homeland Security estimates indicate that there are over 200,000 Korean American legal permanent residents eligible to naturalize. NAKASEC and its affiliates currently provide naturalization application assistance – including form filing and attorney review – to more than 650 prospective US citizens per year. These community members have worked hard to establish lives for themselves in the U.S., and yet Korean Americans are still nearly twice as likely as non-Hispanic whites to live in poverty and Korean Americans' per capita income is thousands of dollars less than the national average. The steep fee increases proposed by USCIS – which in some cases are double the current fee – would put the goals of gaining permanent resident status, reuniting with family members, and ultimately becoming a US citizen further out of reach. USCIS should be building bridges for immigrants to move toward citizenship, not putting up walls.

The proposed fee for naturalization is particularly jarring. As recently as 1998, the cost to apply for citizenship was \$95. The current fees are typically \$400, a fourfold increase in the past eight years. Now USCIS is proposing a further increase of 70%, to \$675. An individual working at a minimum-wage job would need to work for more than three weeks and save all of her or his earnings in order to pay this fee.

Even more startling is the proposed cost of filing for adjustment of status, which for many immigrants is the first step on the road to US citizenship. That application has risen from \$130 in 1998 to a total of \$400 today. Under the proposed rule, the total price will rise to \$985. In other words, it will cost nearly \$1,000 for an immigrant to apply for a green card and start the five-year countdown to citizenship. A minimum-wage worker would need to save a full month's pay to afford the proposed fee.

USCIS claims that the fee increase is necessary to improve service. We are not disputing the fact that USCIS service requires improvement; there exist continuing backlogs in application processing and months-long (even years-long) delays. 77,000 Koreans – and 1.5 million Asians – are caught in the family immigration backlogs, and Korean American citizens must wait at least 3.5 years for their children and up to 12 years for their siblings to join them in the US. Furthermore, in October 2006 the Government Accountability Office reported that USCIS had lost track of 110,000 files needed to process citizenship cases. However, we question whether service improvements could be better accomplished by improving the efficiency of the current application processing procedures rather than increasing the application fees.

Moreover, we support the provision of the Citizenship Promotion Act of 2007 (H.R. 1379 and S. 795 respectively) which calls for a moratorium on fee increases until the Department of Homeland Security can submit a report justifying the need for such increases. This legislation mandates that this report be based upon a comprehensive review of the direct and indirect costs of immigration services and that these costs are to be distinct from expenditures related to national security and border enforcement.

USCIS also argues that it has no other option than raising fees if it wants to cover its costs. However, there are no laws that require USCIS to fund the entirety of its operations through application fees. Nothing prevents USCIS from pursuing other sources of revenue, including asking Congress for appropriations. In fact, USCIS has sought and received Congressional funding several times in the past.

Most basically, immigration and citizenship are public goods that benefit our entire country. Immigrants bring their talent and hard work to our economy. They pay taxes, revitalize our communities, and contribute to the cultural vibrancy of our nation. In becoming US citizens, immigrants demonstrate their strong commitment to their new home country by learning English, gaining knowledge about American history and government, and swearing allegiance to the United States. Given the net benefit that immigration provides to this country, USCIS must move towards encouraging immigrants to become part of our community by gaining legal status and becoming citizens, rather than set up barriers that block their path to citizenship and exclude them from becoming more active participants in US society.

The plan to increase immigration fees is misguided. I urge USCIS to first justify the fee increase by conducting a thorough assessment of its current policies and procedures – with particular regard to the efficiency of its application processing and background checks – and seek other sources of funding before proceeding with the proposed fee increase. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "EunSook Lee".

EunSook Lee
Executive Director