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February 5, 2007

Director, Regulatory Management Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
111 Massachusetts Avenue, N.W.
3rd Floor
Washington, D.C. 20529

RE: DH Docket #: USCIS-2006-0044
Notice of Proposed Rule Making at
8CFR/Part 103

Gentlemen:

I hereby submit my comments with respect to the Notice of Proposed Rule Making to increase substantially the fees which accompany applications and petitions filed with the Department of Homeland Security in immigration-related matters.

The undersigned has practiced in the field of immigration law for the past 45-years and has been an adjunct professor of law teaching immigration law at the Benjamin N. Cardozo School of Law for the past 28-years, where I supervise an immigration clinic.

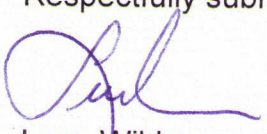
The Department of Homeland Security (DHS) has been notably lax in its failure to amend regulations dealing with the processing of immigration cases. Although in prior years your predecessor agency, the Immigration and Naturalization Services (INS) regularly proposed amendments to update the processing of cases, your office has basically neglected to do so and has taken upon itself the procedure of issuing guidance letters on various changes in the law, upon which the public has no opportunity to comment. This is itself a violation of law, and no amount of explanation can suffice to fill the gap.

It is thus, in my opinion, an abusive use of the process of publication in the Federal Register to propose these astronomical increases in the application fees required for the filing of various applications and petitions. Since September 11, 2001, the attitude of your office has been a negative one, more challenging than ever on alleged security grounds, in respect to the adjudication of applications and petitions. The current extra-ordinary and unacceptable increase in the fees appears to be a further anti-immigration effort on your part, intended to reduce the number of applications filed for immigration benefits. Even more objectionable is the fact that you attribute some cause for the need for these increases to the excessive time which your office takes to adjudicate these applications. An adjustment of status application at the rate of $905 per application would cost a family with 2 children $3,620 for the application fees for this particular application alone. The charge for removing the condition to permanent residence status, currently $205, would be raised to $465. Despite these outrageously large increases in fees, there is no hope in sight that the efficiency of the agency would be so increased that the time for processing of applications would be reduced.

On a previous occasion, when the commissioner of immigration requested an increase in the N-400 naturalization application fee, she was rebuffed with a request that she reduce the time which naturalization applications take for processing before a request for an increased fee should be made. Ultimately, the time for processing remained excessive, but the agency was nevertheless granted the increase.

I raise my voice in objection to these fees which, for our clients, are more than excessive.

Respectfully submitted



Leon Wildes

LW:am