

Yale University

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FAX TRANSMISSION

Date: April 2, 2007

To: Federal eRulemaking Portal

From: Dorothy K. Robinson

Subject: DHS Docket No. USCIS-2006-0044

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Yale University

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April 2, 2007

Director
Regulatory Management Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, D.C. 20529

Re: DHS Docket No. USCIS-2006-0044

Dear Director:

On behalf of Yale University, I am pleased to have the opportunity to submit the following comments on the Department of Homeland Security's proposed rule on "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule".

Yale applauds the efforts by the Department of Homeland Security and the U.S. Citizenship and Immigration Services (USCIS) to improve both the security and efficiency in its adjudication of immigration benefits. Yale's ability to compete globally for the best students and scholars depends on a system of immigration that is efficient and fair, and we appreciate the need for additional funds to improve service and implement more fundamental reforms that will better integrate USCIS programs with the Nation's immigration enforcement and border control efforts.

Yale is supportive of efforts to enhance the capabilities of USCIS, but we urge USCIS to set more ambitious targets for improving services. As noted by USCIS in the proposed rule, improvements and efficiencies in service may not materialize until 2009. We believe that today's petitioners deserve much better service considering the size of the fee increases. The fee for an I-765 (application for employment authorization), for example, has already risen by nearly 10 % annually since 1989; the pending proposal would almost double the fee. Other charges, such as the I-485 fee, would be almost tripled under the USCIS proposal. In our view substantial increases in fees should be accompanied by more robust and more timely improvements in processing of applications. Moreover, the USCIS should be held accountable for meeting those service targets.

We also believe it is inequitable for petitioners, including students who many have limited access to financial resources, to subsidize the cost of processing applications

by asylum-seekers and others who would enjoy (and perhaps deserve) fee waivers under the proposal. In our view those costs should be funded from appropriations, not user fees.

With respect to the fee increases, Yale is particularly concerned about the impact of proposed rule on those applying for I-765s (application for employment authorization), I-539 (change or extension of nonimmigrant status) and I-485 (adjustment of status to permanent residence). Each year, more than 300 Yale graduates apply for work authorization under the provision for F-1 Optional Practical Training (I-765), a temporary employment authorization that gives F-1 students an opportunity to apply what they have learned in the classroom to a practical work experience off campus. The increase in the fee, from \$180 to \$340, will be a significant burden for many international students. In particular, those who apply to use Optional Practical Training for a summer internship, particularly in the public service and non-profit sectors where the compensation can be nominal could be prevented from participating. Even if these students were able to finance the increase, current processing times are occasionally so delayed that students filing a timely application receive their work permission at the end of the summer, long after its planned use. With SEVIS now fully operational, there is an alternative to USCIS adjudication of OPT applications, namely returning the authorization of OPT to the schools' Designated School Officials (DSOs) where it has resided in the past. We would strongly urge DHS to re-instate this authority to DSOs.

Similarly, the I-539 application to extend or change nonimmigrant status increase from \$200 to \$300 will impact students and scholars and their dependents who must apply for an extension or change in nonimmigrant status. In addition, the I-485 adjustment of status fee increase, from \$325 to \$905, is significant – and it applies whether or not the applicant intends to file for work authorization and for travel documents.

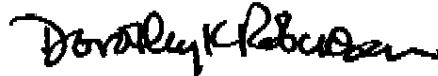
Our two principal concerns – that service improvement will be too little and too late, and that students especially will not be able to afford the fee increases – stem from the Administration's decision to fund USCIS operations almost entirely through application fees. We recognize that the Immigration and Nationality Act sets the expectation that the USCIS will recover the full cost of the services and programs that it provides. As the Government Accountability Office recently concluded, current fee levels are not sufficient to fund USCIS operations. While Congressional appropriations have provided intermittent relief for visa backlogs and resolved some administrative problems, they have not provided the regular, predictable funding that is necessary to build a system that supports the dual service and security mission of USCIS.

We believe there is a public benefit that would justify continued use of appropriations to support USCIS operations. International students and scholars make significant contributions to high tech industries, not to mention local economies; and it is in the national interest to maintain affordable, efficient procedures for securing necessary authorizations. If we are to continue to welcome visitors to our shores, attract top talent to our research universities and government laboratories, and provide the necessary

workforce for our growing economy, the Administration should recognize the public role and the national interest in a system of immigration that is efficient, flexible and fair. Until that time, stop gap funding mechanisms will deny this Nation the border and immigration security it needs and the competitive advantage that it requires.

In conclusion, we appreciate the outreach USCIS and the Department of Homeland Security have provided to Yale and to the higher education community. It is our hope that we can continue to communicate on how we might work together to advance our shared interests.

Sincerely,

A handwritten signature in black ink, appearing to read "Dorothy K. Robinson". The signature is fluid and cursive, with a prominent "D" and "R".

Dorothy K. Robinson
Vice President and General Counsel