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From: nkersh@spoletousa.org [<mailto:nkersh@spoletousa.org>]

Sent: Tuesday, February 20, 2007 5:11 PM

To: OSComments

Subject: DHS No. USCIS-2006-0044

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

Dear Director U.S. Citizenship and Immigration Services,

On behalf of Spoleto Festival USA and the audiences we serve, I submit these comments in response to the proposed rule published in 72 Fed. Reg. 4888-4915 (February 1, 2007) to adjust the immigration and naturalization benefit application and petition fee schedule.

I am opposed to the proposed increase of the filing fees for nonimmigrant worker petitions. The proposed increase in the Form I-129 and Form I-824 filing fees will be financially burdensome to my nonprofit performing arts organization. Before the USCIS contemplates any price increase, regular processing procedures must be improved.

USCIS should not consider a fee increase without first improving regular processing procedures in the following ways:

Reduce the maximum processing period for O and P petitions to 30 days. Receipt notices from USCIS often indicate that processing periods will range anywhere between 30 and 120 days. This time span is simply too ambiguous and lengthy to accommodate booking and presenting foreign guest artists for performances with a fixed date. To engage foreign guest artists, and more freely facilitate international cultural exchange, the nonprofit performing arts community must be able to rely upon a 30-day maximum processing period.

Improve the reliability and consistency in adjudication of O and P petitions. Current USCIS policies and practices result in inefficient processing of O and P visas - causing delay, expense, and unwarranted requests for further evidence. USCIS must implement uniform policies, procedures, and training for efficient processing of petitions.

Implement uniform policies to improve the traditional expedite service. The USCIS has made traditional expedite processing available at no additional fee to petitioners who experience an unforeseen emergency. Since implementing the Premium Process Service, the USCIS has allowed nonprofit organizations to remain

eligible for the traditional expedite. However, the standards for granting expedited processing requests are unclear. The traditional expedite is not helpful unless there are clear, uniform policies appropriately followed and administered by USCIS.

Spoletto Festival USA is a 17 day festival that takes place each year in Charleston, SC. For these 17 days and nights, the city is immersed in the arts by performances. One of the festival's goals is to provide young artists the opportunity to work with veteran directors, designers and performers. Founded by Gian Carlo Menotti in 1977, the festival has presented 100 world premiers and 93 American premiers since its inception. Spoletto Festival USA continues to premier and present works from all over the globe.

It is imperative that our festival maintain the ability to apply for, and process, visas in the most efficient and cost effective manner possible so that we can continue to provide diverse performances to our audiences.

I am grateful for the opportunity to comment on this proposed fee increase. We oppose the proposed fee increase and urge the USCIS to demonstrably improve processing of regular petitions before burdening petitioners with any increase in processing fees.

Thank you for your consideration.

Sincerely,
Nunally Kersh
Producer
Spoletto Festival USA
PO Box 157
Charleston, SC 29402-0157

cc:
Senator Lindsey Graham
Representative Henry Brown
Senator Jim Demint