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Fax

To: DHS Docket No. USCIS-2006-0044 **From:** John Pearson

Fax: 866-466-5370

Pages: 3-including this one

Phone: [Click here and type phone number] **Date:** 4/2/07

Re: Proposed federal rule-making

CC: [Click here and type name]

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• Comments:

I am pleased to submit, on behalf of Stanford University, the attached comments on the proposed changes to fees submitted by USCIS.

With best wishes,


John Pearson

STANFORD
UNIVERSITYJOHN PEARSON
Director

March 30, 2007

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

Re: Proposed Rule, 8 CFR Part 103, "Adjustment of the Immigration Benefit Application and Petition Fee Schedule," Federal Register, February 1, 2007 (Volume 72, Number 21)
DHS Docket No. USCIS-2006-0044

Dear Director:

Please accept these comments on behalf of Stanford University, in response to the proposed fee increases for applications and petitions filed with United States Citizenship and Immigration Services (USCIS). Stanford has approximately 3200 international students and 2200 international scholars (faculty and researchers). USCIS forms, petitions and procedures are routinely used at Stanford, so we appreciate the opportunity to comment on these changes.

USCIS has made significant progress and is seeking to advance many important goals as stated in the supplementary information to the proposed rule. The web site provides a wealth of information, and the availability of on-line forms and instructions is useful. We appreciate the ability to file AR-11 electronically and to schedule appointments on line. Allowing Form I-140 and Form I-485 to be filed concurrently has been a great improvement and we urge the Service to maintain this procedure. Premium processing procedures provide a model for maximum use of technology, more streamlined adjudications of *all* petitions, and more effective, rapid communication with petitioners.

However, the fee increases are too high, particularly when imposed on an entire family. In addition, the level of service provided should be more closely related to the price paid. Under the proposed rule, increased fees are meant to recover not only the time and resources spent on a particular application but also "to provide for an adequate and sustainable level of investment in staff, infrastructure, and processes designed to improve the USCIS' ability to administer the nation's immigration laws....The proposed fee structure is designed to recover annual costs for facilities, information technology systems, business processes, and other capacities..." (p. 4893), including security and anti-fraud measures. Increased funding will allow USCIS to improve its services, but that funding should come, at least in part, from increased federal support, and not solely from the applicants themselves. This is especially important at a time when policy makers are working to improve visa policy to advance goals related to economic competitiveness.

Our concerns are the following:

1. The I-765 fee would increase from \$180 to \$340. The I-765 is used for work permission applications for J-2 spouses who are allowed to apply for work permission.

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UNIVERSITYJOHN PEARSON
Director

This provision was first established to help Fulbright scholars coming to the United States with U.S. Government grants that only provided for the support of the scholar and not dependents.

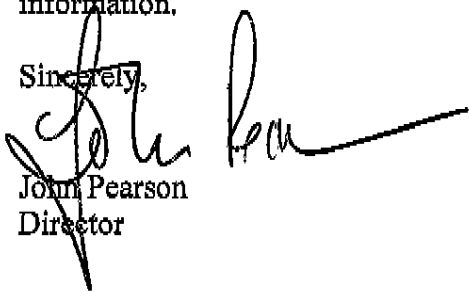
2. The I-765 is also used by international students in F-1 visa status to apply for work authorization for Optional Practical Training (OPT), to participate in a summer internship, for example. Currently, the processing times are often so slow that students get the work permission some time after the proposed start of the employment.
3. The increase from \$200 to \$300 of the I-539 application to extend or change nonimmigrant status would affect our students and scholars and their dependents who for various reasons must apply for an extension or change in nonimmigrant status.
4. The I-485 adjustment of status fee would increase from \$325 to \$905 whether or not the individual wants to take advantage of filing for work authorization and for travel documents at the same time. We would also ask that everything be done to improve the processing times for all first preference petitions.
5. A spouse and children often accompany students, researchers, and faculty members. Fees for a change to H-1 and H-4 status and those for adjustment to permanent resident status are prohibitive when added together for each family member. (The I-129 for an H-1B: \$320; I-539: \$300 per person; I-140 petition for permanent residence: \$475; Form I-485 for adjustment of status: \$905 per person or \$805 for applicant under age 14.) We urge the Service to devise a more equitable model for derivative family members and we would argue that the time spent on these applications is a fraction of that spent on the principal's request.

There are three key questions:

- Is it wise to revamp and fully fund a large U.S. Government agency through user fees that appear to exceed the actual cost of providing the benefit?
- Is the United States discouraging immigrants from becoming citizens and full participants in our society?
- Will these fees discourage international students and scholars from coming to this country at a time when U.S. Government officials at the highest levels are asserting the value of international students and scholars to the United States?

Thank you for this opportunity to comment. Please do not hesitate to contact us if we can provide further information.

Sincerely,



John Pearson
Director

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