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March 12, 2007

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

**Re: Response to USCIS' Proposal on Fee Increases
DHS Docket No. USCIS 2006-0044**

Esteemed Director,

We are writing to express our strong concerns and opposition to the proposal by U.S. Citizenship and Immigration Services ("USCIS") to increase application fees.

We find these fee increases unreasonable and unjustified. These fee increases are neither warranted by the policies behind them, nor by the practical considerations that will ensue from their implementation.

A Self-Financing Immigration System in Unjustified

USCIS has publicly announced its desire to make the US immigration system self-financing – meaning that user fees pay for all operations of the immigration system. Such a policy cannot be justified. It singles out users of the immigration system for a particularly onerous burden – paying for an entire system which they do not control. The cost of the system depends on objectives that the users of the system do not individually set. These objectives are set by Congress, and implemented by the Department of Homeland Security. There is no justification that only users of the immigration system should pay for objectives that are mandated by Congress for the benefit of all Americans.

Moreover, let us be sincere: the essential cost that is causing the need for dramatically increased Department of Homeland Security, USCIS and Immigration and Customs Enforcement budgets is the requirement for ever-greater homeland security. This is a laudable goal. The security of our great nation is a public benefit for all Americans. Yet, it is also a public good in the classical sense of that term. It benefits everybody, and is not apt to be privatized. Why then are users of the immigration system being singled out for

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paying for more background checks, better security databases or improved border security, when it is truly all people living in the US benefit from this public good?

At the same time, the idea that only users of the immigration system should pay for the system blatantly ignores the fact that the overwhelming majority of all visas are requested by US employers or families that pay - year in, year out - federal and state taxes into the public purse. As stakeholders and contributors, such companies and families can accordingly expect to receive public benefits in return without being exclusively burdened for the cost of the system.

A Self-Financing Immigration System Cannot Work in Practice

At a practical level, USCIS cannot function mainly or exclusively on user fees, except by increasing them disproportionately. Huge increases in fees will have the effect of stopping immigration or make it only available to the wealthy. We find this especially troubling. The US has never had a system where wealth could "buy" a visa. The long-standing public policy goals of immigration are to allow the most talented persons to come the US, to overcome labor shortages in the US, and to enable families to be reunited. If USCIS now wishes to use the immigration system as a revenue generator, it could (more quickly and efficiently) simply auction off visas to the highest bidders and collect hundreds of millions. But that has never been the goal of the US immigration system. That goes against everything the US immigration system was founded on. USCIS is not now authorized by Congress to implement rules which would so radically and dramatically shift the essence of our immigration system.

Moreover, if USCIS sets the precedent of transferring the cost of the system to its users, and it will be held to higher service and quality standards than it has previously. Years-long waiting lists, lost files and overall inefficiency are not the basis for extracting exorbitant rents from users. Director Gonzalez seems to believe that a 20% increase in efficiency for the massive fee increases will convince people that such increases are warranted. This is illusory. The essential problems of the immigration system are systemic, and thus are beyond the control of USCIS or other Department of Homeland Security entities to control. More funding will not, for example, reduce the visa waiting lists, nor will it cause a greater number of H1B visas to be made available each year. Only the Congress can make the decisions needed to fix our immigration system - charging more for the broken system we have now is, simply, wrong.

Finally, we want to especially object to the exorbitant increase in naturalization fees. We as a nation want immigrants to become citizens. To do that, it is necessary for citizenship to remain accessible to all persons eligible to take it. Moreover, persons seeking naturalization have paid – for years – their taxes into the public treasury. They are net contributors to the public purse and can rightfully expect that naturalization fees will not be increased exorbitantly to prevent them from advancing to citizenship.

Sincerely,

MONTY PARTNERS LLP

A handwritten signature in black ink that reads "Monty Partners." The signature is written in a cursive, flowing style with a period at the end.