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USCIS Comments

Dear USCIS Comments:

I am writing to you as an immigration educator in opposition to the February 1, 2007, proposed rule "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule."

I am deeply concerned because I think the proposed fee increases are so exorbitant they will constitute a road block both to permanent residents seeking to become full members of our community by de facto denying them access to full citizenship because of the cost of the fees, and may cause some individuals who would otherwise remain out of status to fail to do so because they cannot afford the fees to file the necessary applications and petitions required by law.

I work as an Immigration Educator in at risk communities in Chicago. For example, I teach a class in "American Government and How to Become a Great Citizen" for permanent residents at San Miguel in the Back of the Yards Neighborhood in Chicago who want to become naturalized citizens. The average family size of people who are part of this community is 5.3 and the average household earns \$27,000 a year.

Yet, these are not families looking for a handout. They work hard, are active in thier community, and would never consider asking for a reduction in fees because of their poverty. It is not part of their culture, which the USCIS must take into consideration. Instead, they would simply not apply for citizenship. This in turn means that they and their family will feel -- and be -- disenfranchised.

I personally feel that these exorbitant fees are not unlike the poll taxes and other barriers to voting which civil rights leaders like Martin Luther King, which are cited on the Naturalization exam sought to overcome when struggling to get Congress to pass the Voting Rights Act in 1965.

USCIS should and must reconsider the role of appropriated funds to meet the administrative needs of the agency. I ask that fees be reduced to the actual cost of processing the application or petition. Do not make these poor working families choose between becoming full citizens or buying food and school supplies for their children, because believe me, that is what this will come down to for families like those with whom I work.

I am most concerned about the fee increases for the N-400 raising the total cost from \$400 to \$675 and the huge increases in the fees required to adjust status to legal permanent resident (green-card status), including: the near-tripling of the I-485 application fee for permanent residence, from \$325 to \$905, the cost of the I-765 from \$180 to \$340, the

I-130 from \$180 to \$355, and the I-751 to remove conditional status from \$205 to \$465. The end increase means an increased burden on an immigrant who marries a US citizen will be nearly \$1200 plus an additional \$275 when they file for naturalization. This puts a burden of \$2740 on a family just starting out in the first years of marriage.

I myself have been married to a naturalized US citizen for over 22 years and I know how difficult it was for us to pay the fees for my husbands immigration paperwork and naturalization all those years ago. I have not forgotten the hardship it was on us all those years ago and at that time the fees were a fraction of what they are now. We were using our funds at the time to pay for our college educations and struggling to pay rent of \$250 a month! (Rents here in Chicago average about \$800 a month.) My husband never used federal financial aid as it was contrary to his cultural beliefs. Eventually I got my MPA degree and he got his Ph.D. from the University of Michigan --and he is working for the US Government providing critical research in remote sensing for the USDA Forest Service. Who knows if we would have succeeded in making something of our lives if we had had to spend our limited resources on immigration fees.

You just do not understand the impact that these fees on the decisions people are able to make for thier lives.

Further, I also think that these fee increases send the wrong message generally to people from around the world who already believe the USA is no longer welcoming to people from abroad. The United States has been losing market share in the number of international students and many talented immigrants are looking to immigrate to other countries rather than come here because of the perception that the United States no longer welcomes talented people from abroad.

As someone who has been working in the immigration field for some time, both as a PDSO/RO at several institutions and now as an Immigration Educator for the University of Illinois Extension, I have seen first hand some of the inefficiencies and problems inherent in the management of the current immigration system. I have seen countless fee increases over time with promises that they would yield improvements in services, but frankly, I have not seen significant improvements.

The increased fees will reinforce the inefficiencies and dysfunctionalities USCIS inherited from INS when the Department of Homeland Security was created. The solution to correcting the systemic problems that plague the agency is not to keep raising fees in a futile attempt to finance a twenty-first century agency. Unfortunately, to meet its statutory requirements, USCIS is turning to its only steady source of funding, its filers and petitioners, to finance the required modernization of its systems. While that is understandable, it is not acceptable as a matter of public policy, because it prices statutory benefits out of the reach of those who need them.

The fact that USCIS operates on a fee-funded basis creates a built-in incentive to subsidize unnecessary work. This creates an incentive to requiring USCIS approval for things; that way, you can charge a fee for processing the request, which provides necessary income to finance your broader operations. The I-765 fee for Optional Practical Training is a classic example. It used to be possible for school officials designated

by the INS to approve OPT in accordance with agency regulations. The benefits of reinstituting and expanding this process speak for themselves: no application, no processing, no fee, one less task to be performed by the agency, more time to devote to what the agency really needs to do. There is no obvious public policy reason for USCIS to require agency approval for OPT today. With the Student and Exchange Visitor Information System (SEVIS) now fully in place, it would be easy to devolve this responsibility back onto the schools. Yet the cost of processing this unnecessary application process continues to drive up the fee.

While I understand that USCIS is permitted by law to recover the full cost of its services through fees, and indeed has no other option so long as Congress is unwilling to appropriate funds for the operation of the agency, I ask that the fees be reduced to the actual cost of processing the application or petition and that the naturalization fees and those related to family based immigration be kept to a minimum to encourage and facilitate new immigrant to become full participants in their communities.

I also ask members of Congress to step up to the obligations they have under the Constitution and actually establish "a uniform rule of Naturalization" (article 1, section 8, clause 4) which is fair, does not discriminate against the poor and underprivileged immigrants of this country, embraces diversity, and makes sense. My students know where this responsibility rests: do you?

Thank you for the opportunity to comment.

Sincerely,

Annette Vitale-Salajanu
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