



**carolinas**

Journeys to Healing & Wholeness

March 30, 2007

Mr. Richard A. Sloan Director  
Regulatory Management Division  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
111 Massachusetts Avenue, N.W., 3rd Floor  
Washington, DC 20529

**Re: DHS Docket # USCIS-2006-0044 Proposed rule— Adjustment of the  
Immigration and Naturalization Benefit Application and Petition Fee Schedule**

Dear Mr. Sloan:

I am a Job Developer at Lutheran Family Services in the Carolinas, Office of Refugee Resettlement. We are a non-profit organization located in Greensboro, NC serving refugees and asylees from all over the world. Our organization has served clients for more than 20 years from their first arrival in the United States by helping them adjust to their new country, attain self-sufficiency, and ultimately obtain citizenship.

I am deeply concerned about the impact that the proposed USCIS fee increases will have on the refugees and asylees we serve. These increases will create a significant obstacle for this most vulnerable population, who have come to this country under the direst of circumstances and have as their highest dream to become permanent residents or U.S. Citizens.

USCIS is proposing a fee of \$905 for an I-485 adjustment of status application, representing an increase of \$580 from the current fee of \$325. This proposed fee will prevent many asylees from being able to apply for legal permanent residence, which will delay their eligibility to naturalize as U.S. Citizens. Many asylees have considerable trouble paying the current \$325 fee for an I-485 adjustment of status application and will either wait to adjust, sometimes years after they are eligible, or request a fee waiver. It is unimaginable that they could gather up an additional \$580 for the new proposed fee of \$905. The average pay for the asylees which I place in employment is approximately \$7.75 per hour, or \$1,330 per month gross. After taxes, rent, food, transportation, and the barest of necessities, there is typically only a miniscule amount left, if anything.



For general information:  
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Under this USCIS proposal, not only is the application fee to undergo a 178% increase, the availability of fee waivers for all I-485 adjustment of status applications would be categorically eliminated for asylees. The new fee and elimination of fee waivers will effectively stop my clients' applications for the adjustment of status due to simple inability to pay.

In the proposed rule, USCIS argues that because the likelihood of becoming a public charge is a ground of inadmissibility under INA §212(a)(4), allowing for a fee waiver for an adjustment application is inconsistent with the requirements of the benefit sought. When the applicant for permanent residence is an asylee this rationale is inconsistent with USCIS's mandate in INA §286(m) to offset the fee burden of "similar services provided without charge to asylum applicants or other immigrants." Similar to refugees, asylees are eligible for public assistance by virtue of their status and, according to 8 C.F.R. §209.2(a)(1)(v), the public charge ground of inadmissibility does not apply to asylees adjusting status. For an asylee, seeking a need-based waiver for an I-485 application is entirely consistent with the historical treatment of the population. The current policy is mindful of the desperate circumstances that force asylum seekers to flee their homes and the dire financial situation an asylee may face during the early stages of his/her new life in the United States. The I-485 fee must also take this reality into consideration and, at least, provide waivers for those who most need the assistance. 85% of my caseload is working by their 120<sup>th</sup> day in the country, and 97% are working by their 180<sup>th</sup> day. They work fulltime at jobs that many of us would snub, and because of not having cars, they often travel on three buses to get to work, and another three to get home. Most significantly, they feel privileged to even be doing this, and never complain because the dream of fully becoming members of their new society is underway. With these new proposals, USCIS is essentially putting up an almost insurmountable obstacle.

I want to thank USCIS for continuing to exempt refugees adjusting their status under INA §209(a) from paying the I-485 adjustment of status application fee. However, this does not alleviate the extraordinary burden that the proposed adjustment fees will impose upon asylees. I would ask that USCIS reevaluate the fee structure, especially the extraordinary increase, and institute a fee policy which is consistent, reasonable and affordable for asylees applying for adjustment of status. I especially encourage USCIS to maintain an accessible and clear fee waiver policy. Since asylees are in similar compelling circumstances as refugees, they should receive the same automatic exemption from paying adjustment fees as refugees.

Under the Proposed Fee Adjustments, the cost for the N-400 naturalization application would increase from \$330 to \$595, which represents an increase of 80%. For a family of four to naturalize, they would need to have \$2,380 in hand (an extra \$1,060 over the current fee), solely for the application fee. Such an expense would create an unreasonably difficult economic hardship for individuals who are eligible for naturalization and want to strengthen our nation's life by participating more fully in it as citizens.

For a refugee or asylee who has fled their home country and sought freedom and protection in the United States, the ability to naturalize as a U.S. citizen is one of the most important steps that individual can make toward becoming full participants in American society. Naturalization is a key component of the integration process and the Bush administration has recognized this, saying that helping immigrants become U.S. citizens is a priority. Furthermore, Article 34 of the 1951 UN Convention Relating to the Status of Refugees, as adopted by the 1967 UN Protocol Relating to Status of Refugees, to which the United States is a party, mandates that states make every possible effort to facilitate the naturalization of refugees and reduce as far as possible the costs of such proceedings. Given that citizenship is optimal for both an individual applicant and the

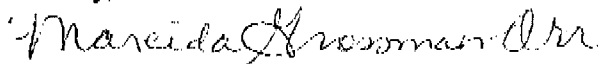
country as a whole, I am particularly troubled by the size of the proposed fee increase for naturalization.

Please reconsider this extraordinarily large increase and adopt a fee policy that is more realistic with what individuals and families, who receive benefits by virtue of their status as refugees or asylees, may be able to afford when seeking to naturalize. This should also include an affordable flat fee or a fee cap for a family to naturalize.

In conclusion, as an employee of Lutheran Family Services in the Carolinas Office of Refugee Resettlement and most importantly, as an involved and concerned citizen of the United States of America, I urge USCIS to reconsider the proposed fee increase due to its impact on refugees and asylees. Our country needs to assure that vulnerable individuals are not marginalized but are integrated into U.S. communities, achieving a good outcome for the individuals and a common good for the greater community. I support the efforts of USCIS to modernize its infrastructure, reduce backlogs and adjudication times, and ensure that all security background checks are completed accurately and efficiently. Nevertheless, I do not believe the expenses should be passed off onto USCIS customers alone. I hope that USCIS will work with immigrant communities and with Congress to develop a functioning, effective immigration system that will benefit our country.

Thank you for hearing my concerns.

Sincerely,



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