
From: mail.relay@mailmanager.net [mailto:mail.relay@mailmanager.net] **On Behalf Of** Eric Fleischmann
Sent: Monday, April 02, 2007 2:50 PM
To: Director, Regulatory Management Division
Subject: Fee Increase Excessive - comment to DHS Docket No. USCIS-2006-0044

Eric Fleischmann
82 Craigmoor Road
West Hartford, CT 06107-1211

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

Director, Regulatory Management Division:

I am attorney based in Hartford, Connecticut, and practice mainly in the field of immigration law.

The proposal of U.S. Citizenship and Immigration Services to radically increase its fees is unmerited, and would harm many people.

The USCIS (the "Service") has failed to justify these fee increases, and the whole proposal should be withdrawn and reconsidered.

Despite what seems to be the Service's impression to the contrary, the statute does not require that it fund all its operations via fees. Under INA sect. 286(m), "fees for providing adjudication and naturalization services may be set at a level that will ensure recovery of the full costs of providing all such services."

The authorizing statute limits the fee-funding scope to "providing adjudication and naturalization services" and administering the fees. It does not authorize fees to cover other activities. Many of the costs anticipated by this fee regulation do not belong in the fee account.

The Service has chosen to expand its mission beyond adjudication and naturalization and enter into the realm of law enforcement. When the Department of Homeland Security was established, Congress consciously and deliberately separated the Department's adjudicative arm (USCIS) from its enforcement arm (what has become ICE and CBP). The intent was to keep the functions separate. Even if the agency has strayed from that intent in its operations, at a minimum the funding should be kept separate.

The Service should seek appropriated funds at a level sufficient to pay

for the additional services and processes that, in turn, benefit everyone.

For example, increased payments to the FBI for fingerprint, name, and security checks which benefit national security; processing of Freedom of Information Act requests, for which every other government agency receives appropriated funds; agency administration with nine headquarters offices and field locations worldwide; and information technology enhancements, should not be borne by applicants alone. In addition, funding for Internal Security and Investigative Operations for the investigation of misconduct of Federal and contract employees should not benefit from user fees.

The fee increases will effectively impose a means test on the ability of immigrants to attain U.S. citizenship, which is contrary to our national values. The United States is built on the principal of equality and inherent value of each individual, both native born and immigrant. We need immigrants to sustain our economic system and invest in the American dream, and we should not be erecting monetary barriers to their achieving U.S. citizenship.

No amount of technical innovation and no increased amount of revenue will overcome an unwillingness to adjudicate on a level playing field. There should be no fee increase until the Service is able to articulate a detailed and concrete plan which demonstrates a real commitment to the elimination of inconsistent and hostile adjudication. Such a plan should not only include rulemaking and training, but tracking of adjudications and a system of accountability.

In conclusion, the USCIS should improve its level of service, but should not increase its fees, which are already too high for many applicants to afford.

Sincerely yours,

Eric Fleischmann