

From: Roger Wight [mailto:rwight@njsymphony.org]
Sent: Friday, March 30, 2007 12:48 PM
To: OSComments
Cc: Roger Wight
Subject: DHS No. USCIS-2006-0044 New Jersey Symphony Orchestra Comments

March 30, 2007

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

Re: DHS No. USCIS-2006-0044

The **New Jersey Symphony Orchestra** submits these comments in response to the proposed rule published in 72 Fed. Reg. 4888-4915 (February 1, 2007) to adjust the immigration and naturalization benefit application and petition fee schedule.

We **strongly object** to the proposed increase of the filing fees for nonimmigrant worker petitions. The proposed increase in the Form I-129 and Form I-824 filing fees will be financially burdensome. Before U.S. Citizenship and Immigration Services (USCIS) contemplates any price increase, **regular processing procedures must be improved.**

The **New Jersey Symphony Orchestra** is the premiere presenter of classical music performances across the state of New Jersey. Based at the New Jersey Performing Arts Center in Newark, NJ, the NJSO offers a world-class concert series each season with Music Director Neeme Järvi, along with pops concerts and family performances. The NJSO is also a leader in arts education, serving New Jersey residents by providing a wide range of nationally recognized programs for children and adults alike.

Many of the artists who appear as part of our various concert series come from foreign countries. Delays and unpredictability in visa processing have made it increasingly difficult for the New Jersey Symphony and many other orchestras to present international artists in the United States. USCIS should not consider any fee increase without first improving regular processing procedures in the following ways:

1. Reduce the maximum processing period for O and P petitions to 30 days. Receipt notices from USCIS often indicate that processing periods for regular petitions will range anywhere between 30 and 120 days. This time span is simply too ambiguous and lengthy to accommodate the timely booking and

presenting of foreign guest artists for performances with a fixed date. To engage foreign guest artists, and more freely facilitate international cultural exchange, **the nonprofit performing arts community must be able to rely upon a 30-day maximum processing period.**

2. Improve the reliability and consistency in adjudication of O and P petitions. Current USCIS policies and practices result in inefficient processing of O and P visas, causing delay, expense, and unwarranted requests for further evidence. **USCIS must implement uniform policies, procedures, and training for efficient processing of petitions.**

3. Implement uniform policies to improve the traditional expedite service. The USCIS has made expedited processing available at no additional fee in cases where petitioners, through no fault of their own, experience an unforeseen emergency, and where failure to expedite the petition will result in serious harm, economically or otherwise, to the petitioner. However, the USCIS standards for granting expedited processing requests are unclear. The traditional expedite is not helpful unless there are clear, uniform policies appropriately followed and administered by USCIS.

We are grateful for the opportunity to comment on this proposed fee increase. **We oppose the proposed fee increase and urge the USCIS to demonstrably improve processing of regular petitions.**

Thank you for your consideration.

With respect,

The New Jersey Symphony Orchestra

cc:

Senator Frank Lautenberg (D-NJ)
Senator Robert Menendez (D-NJ)
Representative Robert E. Andrews (D-01)
Representative Frank A. LoBiondo (R-02)
Representative Jim Saxton (R-03)
Representative Christopher H. Smith (R-04)
Representative E. Scott Garrett (R-05)
Representative Frank Pallone, Jr. (D-06)
Representative Mike Ferguson (R-07)
Representative Bill Pascrell, Jr. (D-08)

Representative Steven R. Rothman (D-09)
Representative Donald M. Payne (D-10)
Representative Rodney P. Frelinghuysen (R-11)
Representative Rush Holt (D-12)
Representative Albio Sires (D-13)

André Gremillet, President and CEO, New Jersey Symphony Orchestra

Dr. Victor Parsonnet, Chairman of the Board, New Jersey Symphony Orchestra
Susan Stucker, General Manager, New Jersey Symphony Orchestra

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