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Sent: Sunday, February 18, 2007 4:54 PM
To: OSComments
Subject: DHS No. USCIS-2006-0044

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

Dear Director U.S. Citizenship and Immigration Services,

On behalf of the Association of Performing Arts Presenters and the more than 2,000 organizations we serve, who in turn serve over 2 million audience members every week in the United States through performances, I submit 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.

I am opposed 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 to all nonprofit performing arts organizations. Before the USCIS contemplates any price increase, regular processing procedures must be improved and processing times must be shortened. The \$1,000 premium processing fee and system enacted in 2001 is prohibitive an option for most nonprofit performing arts organizations and artists to use.

USCIS should not consider a fee increase without first improving regular processing procedures in the following ways:

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

Implement uniform policies to improve the traditional expedite service. The USCIS has made traditional expedite processing available at no additional fee to petitioners who experience an unforeseen emergency. Since implementing the Premium Process Service, the USCIS has allowed nonprofit organizations to remain eligible for the traditional expedite. However, the 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.

More than two-thirds of our members and the wider performing arts presenting field are involved in financially beneficial cultural exchanges with hundreds artists and arts leaders from outside the United States. There are reciprocal relationships in place for U.S. artists to also tour and perform outside our country. The delays, denials, errors in processing, inconsistent procedures and rising costs have greatly undermined this critical global cultural exchange and public diplomacy mission. Each year millions of dollars in marketing, ticket sales, staff and production time and costs are lost with the current process, putting our nonprofit performing arts industry at great risk. In turn, artists who travel here to perform are important ambassadors in communicating knowledge and understanding about American culture, traditions and ideas.

I am 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 before burdening petitioners with any increase in processing fees.

Thank you for your consideration.

Sincerely,
Sandra Gibson
President %pa_title% CEO
Association of Performing Arts Presenters
1112 16th St NW Ste 400
Washington, DC 20036-4820

cc:
Delegate Eleanor Norton