

**From:** mail.relay@mailmanager.net [mailto:mail.relay@mailmanager.net] **On Behalf Of** Sarah Stevens  
**Sent:** Monday, March 05, 2007 4:03 PM  
**To:** USCIS Comments  
**Subject:** DHS Docket No. USCIS-2006-0044 - USCIS Fee Increase Comment

Sarah Stevens  
Southern Oregon University, 1250 Siskiyou Blvd  
Ashland, OR 97501

March 5, 2007

USCIS Comments

Dear USCIS Comments:

I am writing to you as an international educator in opposition to the February 1, 2007, proposed rule "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule." The proposed fee increases are so exorbitant they will act as a disincentive for international students and scholars to study and work in the United States.

I ask that fees be reduced to the actual cost of processing the application or petition.

At Southern Oregon University, we have international students and scholars file many petitions that will be affected. The Office of International Programs also files petitions for our staff and faculty.

The proposed fee hikes are enormous:

- The near-doubling of the I-765 fee for international students in F status to apply for work authorization for Optional Practical Training, from \$180 to \$340. At SOU we have about 20 students file for OPT each year. This increased fee burden will severely impact our students and may result in fewer high quality students opting to stay in the U.S. and work. This will be a loss to the U.S. economy and workforce.

- The fee required to hire an international staff or faculty member. There is an increase from \$190 to \$320 (a 68 percent increase) in the I-129 petition for nonimmigrant worker. These fees are on top of the required data collection and fraud prevention fee, which is not part of the fee schedule.

- The huge increases in the fees required to adjust status from H-1B to legal permanent resident (green-card status), including: the near-tripling of the I-485 application fee for permanent residence, from \$325 to \$905; and the increase from \$195 to \$475 (143 percent) in the I-140 immigrant petition for alien worker. (The proposed increase in the I-485 fee is partly offset by the fact that it is accompanied by the

elimination of additional filing fees for work authorization and for permission to re-enter after traveling abroad. However, the inclusion of those fees in the proposed new I-485 fee means that they would have to be paid even by those who do not expect to require the benefit.)

At SOU, we pay the I-129 fee and the I-140 fee for the faculty and staff we employ. We generally file for 3-4 international employees a year. As you know, SOU is already facing a severe budget problem. The fee increases mean several thousand extra dollars that departments will have to find in already reduced budgets.

Fees for family members, such as spouse and children, are generally paid by the employees. The increases in fees will have a severe impact on families and may prevent SOU from attracting the most qualified staff and faculty members.

Apart from the direct impact of the excessive fees, they are contrary to clearly expressed U.S. policies. The President, the Secretary of State, and indeed the Secretary of Homeland Security have expressed clearly and often the high value that the United States places on attracting international students and scholars to this country. The United States reaps immeasurable benefits—for our foreign policy, our students' education, our economy, our competitiveness, and our public diplomacy—from attracting the best and brightest minds and the next generation of world leaders to America's educational institutions.

Regrettably, 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. 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.

Meanwhile, I ask Congress to step up to its responsibility for fixing the untenable situation that drives these fee increases.

Thank you for the opportunity to comment.

Sincerely,

Sarah E. Stevens, PhD  
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