

April 2, 2007

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

Re: DHS Docket No. USCIS-2006-0044

Dear Director:

The University of California, San Francisco, San Francisco campus is home to one of the nation's preeminent medical schools and to internationally renowned medical research facilities. UCSF also encompasses 11 research institutes, 1,500 laboratories, more than 2,000 ongoing research projects and a new library whose state-of-the-art computing and communications infrastructure is making it a 21st-century temple of knowledge management.

UCSF began in San Francisco in 1864 as the Toland Medical College and became affiliated with the University of California, San Francisco in 1873. In 1898, the medical school opened its facilities on Parnassus Street, which today serves as UCSF's central campus and hospital. UCSF is the only campus in the University of California, San Francisco's ten-campus system that is orientated exclusively to the health sciences.

UCSF employs over 18,000 faculty and staff. Among our faculty are three Nobel Prize winners in the last 10 years, 23 members of the National Academy of Sciences, 59 members of the Institute of Medicine, 34 fellows of the American Academy of Arts & Sciences, and many recipients of prestigious national and international awards such as the Lasker Award, California Scientist of the Year, AAMC Distinguished Teacher Award, McArthur Award, NIH Director's Pioneer Award, Gairdner Foundation Award, and the Australia Award. UCSF ranks first for active patents in the University of California, San Francisco system and ranks fourth nationally for NIH funding. The School of Medicine is consistently ranked among the top 10 medical schools in the United States.

I appreciate that we have the opportunity to comment on the proposed rule the U.S. Citizenship and Immigration Services (USCIS) issued on February 1, 2007. In this action, the Department of Homeland Security (DHS) is calling for increased fees for its immigration and naturalization services, as part of a larger effort DHS is calling "Building an Immigration Service for the 21st Century."

We pledge to work with the DHS, and other federal agencies that are involved to improve the current systems for processing visa applications and employment-based petitions, but of course we want fees to remain as affordable as possible.

While we understand the Department's rationale for proposing revenue increases, we are concerned about the negative impact this proposal will have on students and scholars, and we are unconvinced that the promises made in this notice can be realized in a timely manner. If we knew the higher fees were going to resolve the backlog our students and scholars often experience, then perhaps an increase to pay for improvements might be worth the trade. The problem is, however, that the proposed rule does not outline an overall strategic plan for improvements, with measurable benchmarks and tangible goals for implementing the needed upgrades, or a specific timeline or completion schedule to assure interested parties that these improvements will actually be accomplished.

Background

The University of California, San Francisco cares about the safety of our students and scholars, *and* we firmly believe colleges and universities must accept their key role in keeping our nation safe from those who would cause our people harm. The higher education community has already demonstrated its willingness to do this, through its substantial investment in the personnel, computer hardware and software needed to assure efficient and full compliance with SEVIS.

The University has at its very core the need for the free exchange of ideas and knowledge between students and scholars in this country, with their international counterparts, who make our universities interesting and diverse, and who contribute greatly to our research, development, innovation and training, particularly in STEM fields and critical-need languages, as well as in health, education, business, energy, and other disciplines.

We can only achieve our goals for excellence and remain globally competitive through partnerships with institutions around the world and with the free exchange of people, ideas, and resources. While we can certainly understand DHS's need for increased operating funds, we need to look at the cost and benefits of a robust system of international education and foreign exchange, and consider in that analysis the value of increased global understanding and international good will that will result.

Rather, we believe the proposed fee increases will act as a *disincentive* for talented international students and highly trained scholars to study and work in the United States. Together with the disadvantages of perceived and actual visa delays, security clearances, and barriers to employment opportunities in the U.S. (e.g. the H-1B cap), these proposed fee increases are viewed by the international student and scholar community as further evidence of the United States being unwelcoming of the world's best and brightest talent.

Prior to outlining UCSF's specific recommendation in response to the DHS proposal, I offer the following general concerns:

- The University of California, San Francisco is concerned that without a more clearly defined work plan, there is a substantial risk that increased fees will be imposed, but students and scholars will continue to face delays and complications in seeking the services of DHS.
- A proposal for such large fee increases seems poorly timed in light of the expressed wishes of several agencies to support the value of international education as a key goal for U.S. foreign policy and competitiveness. In recent years, there have been several examples of meetings, summits, and reports involving Cabinet-level officials, all highlighting the need for the U.S. to compete more effectively in the global contest for talent. In fact, several of our Chancellors were involved in a summit of higher education leaders in January 2006, which was convened to discuss public diplomacy, international exchange, and international education strategies for the future.

Proposed Fee Increases: *While the University of California, San Francisco understands that federal agencies may need additional funds and the nation is in a time of fiscal constraints, it is not good public policy to raise prices for benefits out of the reach of those who qualify for and desire them.*

Most of the fee increases will affect students and scholars at our campuses, and while there are some offsets, they are limited and not that helpful. For example, the proposed increase in the I-485 fee (from \$325 to up to \$905) 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. On the other hand, the inclusion of those fees in the proposed new fee means that even those who do not expect to need those benefits will still pay for them.

It is also important to note that these fees are in addition to the required data collection and fraud prevention fee, which is not part of the fee schedule, and the premium processing fee, which will remain at \$1,000.

The University of California, San Francisco believes there are other ways DHS could improve its efficiency and save money without the need to raise all the fees as well. For example, Designated School Officers (DSO) could be authorized to approve Optional Practical Training (OPT) in accordance with agency requirements. This used to be possible, and schools are authorized to approve Curricular Practical Training. Further, 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.

Fee Waivers: *The University of California, San Francisco recommends that DHS provide clear guidelines regarding eligibility for fee waivers, and allow transparency in the process so institutions can explain the criteria to students and advise those eligible about their options.*

Congress has authorized USCIS to provide services to eligible applicants and petitioners who can establish that they are unable to pay the fee(s). In many cases, students do not

have jobs and experience economic “hardship,” but they are unaware of the eligibility criteria and the application process.

Improved Services and Processing Times: *The University of California, San Francisco requests that DHS develop an overall strategic plan that sets specific benchmarks for improvements, and planned evaluations along the timeline to provide checks for compliance.*

The proposal outlines a number of efficiencies that the DHS plans to implement, but we are concerned about accountability. We fully agree that the processing times for standard H-1Bs, duplicate approvals, travel/re-entry permits, and work authorizations *must be substantially improved*, but for this to work, DHS must have a plan.

We believe the “Business Transformation Initiative” outlined by the Department should be an urgent priority, and we recommend that DHS provide clear plans for how USCIS plans to use the increased fees to assure accountability. For example, at a minimum, DHS should specify when changes will be made, such as enhanced IT capabilities including electronic filing and adjudication; employer pre-certified accounts; payment of fees via credit cards; and improved SSA-USCIS checks to expedite issuance of SS cards.

DHS could also ease processing by allowing O-1 extensions to be issued in one-to-three-year increments; allowing multi-year EADs; and permitting I-485 filings and benefits, such as work authorization and travel permits, even if a priority date is not available.

Security Checks: *The University of California, San Francisco recommends that DHS provide information about this process so students, scholars, and their host institutions can know where within the approval and security clearance process the backlogs are.*

Additional funds must be made available for updated training of staff, and for creating clear expectations for when additional security checks will be imposed, such as Mantis reviews and “FBI checks.” Often, continued delays are referred to vaguely as FBI checks, but there is little understanding of the steps that must be taken to conduct a Mantis review or to complete an FBI check. Greater transparency in visa processing and approvals is long overdue and would allow visa applicants to follow their paperwork through the process and reduce the need for security reviews that may not be needed.

The DHS overall strategic plan for improvements of services should also outline how funds will be allocated to the FBI to eliminate delays in the clearance process.

Customer Service: *The University of California, San Francisco recommends that DHS make improved customer service an urgent priority and implement the California Service Center (CSC) model each Service Center.*

We are very pleased with the CSC customer service model, but remain concerned about the implementation of the Service Center Bi-Specialization System. The CSC had the least amount of backlog, but under bi-specialization, service has recently deteriorated

considerably and has added costs for the university in delayed start dates and shipping fees. Prior to bi-specialization the CSC was processing H-1B petitions for extensions in 6 to 8 weeks. It now takes 10 to 12 weeks.

The University is also concerned about the consistency of adjudication within and across the Service Centers. Again, based on our extensive experience, we have seen varied outcomes for the same services based on differing interpretations of staff at the service centers, even after guidance from the national and regional offices about proper procedures. For example, one campus reports that all of the permanent residency petitions submitted to the Texas Service Center have been cleared within six months while the petitions retained at the Nebraska Service Center remain pending after more than eight months. Additionally, the Nebraska Service Center continues to issue extra-regulatory interpretations concerning educational evaluations, degree equivalency, and permanent employment, which do not appear to have been reviewed by USCIS Headquarters nor reviewed and agreed upon by the Texas Service Center

Conclusion

Before ending, I think it is important that the U.S. Department of Homeland Security look at what our nation gains from a secure and efficient visa system that allows our colleges and universities to offer the free and open exchange of ideas and scholarship. The ability of the United States to retain its leadership position in science, research and development, education, and innovation, is dependent upon having fair and transparent visa policies that allow us to attract the world's best and brightest students to our shores

Again, I thank you for the opportunity to comment on the proposed changes, and we appreciate your consideration of our views.

Sincerely,

Janet Thelen Lockwood
Director, Services to International Students and Scholars
University of California, San Francisco

Janet Thelen Lockwood
Director, Services to International Students and Scholars
University of California, San Francisco
513 Parnassus Avenue, Box 0477, SB-16
San Francisco, CA 94143
Tel: (415) 476-0280
Fax: (415) 502-7180
Email: janet.thelen-lockwood@ucsf.edu
Website: <http://student.ucsf.edu/siss>