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March 30, 2007

Director, Regulatory Management Division
US Citizenship and Immigration Services
Department of Homeland Security
111 Massachusetts Ave. NW, 3rd floor
Washington DC 20529.

RE: DHS Docket # USCIS-2006-0044
Proposed rule— Adjustment of the Immigration and Naturalization Benefit Application and
Petition Fee Schedule

To the Director:

I am writing on behalf of the Northeast Ohio Legal Services, a non-federally funded legal services program that provides assistance to documented and undocumented immigrants, to express strong opposition to the increase in immigration and naturalization fees the US Citizenship and Immigration Services (USCIS) proposed February 1, 2007. Our organization serves individuals and families with incomes at or below 125% of the poverty guidelines as established by OMB.

The immigrants and refugees we work with already struggle to pay current immigration fees. The steep increases proposed by USCIS, in some cases doubling current fees, would put the goals of gaining permanent resident status, reuniting family members, and becoming a United States citizen farther out of reach for those we serve. And the proposed elimination of the current limited discretionary fee waiver further aggravates dire conditions of our otherwise eligible clients. USCIS should be building bridges enabling immigrants to move toward citizenship, rather than imposing excessive fees that will be an obstacle to many.

The true strength of this country was built on the sacrifices of its immigrants. Our entire history is of people arriving here determined to make a better life for themselves and their families. Most immigrants arrive with the bare essentials: identification documents, their families, and what little belongings their former governments allow them to take out. Most are leaving unbearable situations of war and tragedy, loss of liberty and freedoms, and sheer famine and destitution. Good times do not motivate migration, survival instincts do. Immigrants, as a rule, do not have sufficient financial resources to pay such fees without putting their subsistence at risk.

The financial burden to pay current immigration fees has been difficult for many of our clients. Carla has had to borrow from every resource to pay these fees, while she cares for her U.S. citizen disabled spouse, children and grandchildren, even to the point of facing foreclosure on their home and loss of utilities. Jean, a young widow with children, is waiting for her earned income tax refund so she can renew her expired 10-year card. And Fred and Martha, who again lost factory jobs and are afraid of losing their home, may have missed the only opportunity to adjust their undocumented following-to-join son because funds just weren't there.

USCIS claims the fee increase is necessary to improve service to further reduce years-long backlogs caused by delayed security checks. We commend USCIS efforts to improve service, but believe the burden of paying for such improvements should not rest solely with immigrants who are already struggling to pay agency costs and receiving poor service. Many of these costs are due to inefficiency not increased delivery of service. These may be attributable as follows:

...to assist and to empower low-income clients and the low-income community
in addressing their legal rights and concerns

I. USCIS made a huge investment in new "customer service" systems that instead erected barriers to information few can successfully navigate. It brings people full circle through all USCIS communication tools right back to the field office counters that were once open to all. Filing fees should not be paying for selective customer service. Immigrants have and will access ALL avenues for USCIS information to glean as much as they can on their cases. Who can blame them? Their concerns affect basic matters of identification, employment and freedom of travel, issues even more urgent since 9-11 and Homeland Security. Those with computers start with the internet, move to the phone and last to Infopass for the face-to-face access formerly freely available.

A. Infopass- This is the only way to make an appointment with local USCIS officers, but is limited to those who can afford a computer with internet access with skills to use it. A user must carefully state their need for an appointment, as most options redirect the user out of Infopass. When the user goes to their appointment with their Infopass receipt, they take a number and wait, just like before Infopass. Last month, I saw an Infopass family waiting a couple hours. This method only reduced the number of open counter windows as the waiting area chairs are again filing up as they did before.

B. Toll-Free telephone – Calling toll-free does save our clients money, but does nothing for those without a phone or who cannot commit their phone for the time it takes to get help. My office sets aside 60-90 minutes for these calls before I tie up the phone. Most inquiries do not match the recorded options so callers wait an hour or more for live help on the chance the operator can access their specific information. Operators are handicapped by lack of access to most files and are not responsive to callers who are asked to call back.

C. Internet Customer inquiry- This also requires users with computers, internet access and skills and is restricted to files with receipt and alien numbers as selected by USCIS. It rejects most inquiries, usually the same ones the phone operators and Infopass officers cannot find either.

D. Forms availability- Infopass/phone calls/and internet requests for forms replaced use of the old self-serve racks which were the most efficient information resource for our clients. USCIS now bears personnel packaging and postal delivery costs in addition to the wages of the field officers who included maintaining the racks in their responsibilities.

II. Extraordinary Backlogs- It takes money and manpower to maintain open files, to keep them accessible for processing over extended periods of time, and to respond to repetitive inquiries regarding these delays. The Government Accounting Office reported a few months ago that 111,000 USCIS files were missing, affecting offices handling 70% all pending naturalizations. Our client, Leby, an honors college student from a war-torn country, father of four young U.S. citizen children, has been waiting four years to hear if he can be a citizen too. Maria, one of our elderly naturalization applicants, studied very hard and passed her interview and exam more than three years ago- she gets the same "security delays" answer when we contact customer service every few months. We suspect she is one of the missing 110,000 too. That many more families are waiting and asking. Filing fees should not be paying for delays and lost files.

III. Duplication of Effort- There has been a loss of almost all authority at the local field office level in favor of repetitive oversight too far from the actual file. Many times, my local hearings are rescheduled because of unavailability of the actual file which had been forwarded to a centralized review. This has added to the frustration of hearing officers and Immigration Judges who lose valuable time and must re-set cases inviting everyone to return for another time. This is a hardship when most of our clients live more than fifty (50) miles from the nearest field office, and there is no public transportation linking them. Repeated rescheduling almost cost our client, Bill, his marriage and his family, as we waited several years for District Counsel to get his official INS approval to show the Court an adjustment was indeed warranted. This is an example of too many administrators and not enough local officers. Filing fees should not be paying for repetition.

IV. Outsourcing work - USCIS has had recent huge start-up costs implementing extended communication networks, training, terror-related and identity-theft security and management of new outsourced contractors. GAO reports more than a thousand USCIS job categories have been replaced by

contractors. So many jobs were being bid out so fast that Congress derailed a USCIS attempt to out-source one thousand security-sensitive information officer positions for FY2005 alone. All out-sourced work product is still the same integral part of the process and its related implementation costs must be realistically considered. Filing fees should not be paying privatization costs.

V. Unique reorganizations- The fairly recent transition from the Department of Justice, Immigration and Naturalization Service, to the Department of Homeland Security, now United States Citizenship and Immigration Service required special costs for new signs, notices, stationary and forms that are not expected to be repeated in the near future, as are expenses from processing centralization, back to select localized services. Filing fees should not be paying reorganization costs.

USCIS has also asked for increased fees to fund future projects. This is a circumvention of the Congressional budgeting process. Don't ask the poor who have enough challenges with poverty affidavits to bankroll something USCIS doesn't want to have to explain to Congress.

USCIS also argues it has no other option than raising fees to cover costs. USCIS is not restricted to fees to fund its operations, they may pursue other revenue. The agency has asked Congress for appropriations which they received in the past. Furthermore, additional income is available to USCIS from virtually untapped resources of penalties. Laws of supply and demand create undocumented employment for the cost-savings benefit of certain U.S. employers. These American businesses should bear the brunt of the cost their illegal actions have generated. These costs should not be placed on young families or those getting their first job who are doing the right thing in filing for proper documentation. Higher USCIS filing fees would just feed this vicious cycle further, driving even more poor immigrants desperate to provide for their basic needs and security to extreme illegal measures. Show this country real business by attacking those lighting the forest fire rather than punishing the helpless moths draw to the flames.

Immigrants bring their talent and hard work to our economy. They pay taxes and help revitalize our communities. By becoming citizens, immigrants demonstrate their strong commitment to their new home country. They learn our language and about our history and government, and they swearing allegiance to the United States. The newly naturalized citizens, eager to participate, consistently vote at higher rates than those born here. We should encourage immigrants to gain legal status and become citizens, not block their path and keep them out. For these reasons, the proposal to increase immigration fees is misguided and counterproductive. We urge USCIS to reconsider, and to seek other funding for its operations. Thank you for your consideration.

Sincerely,



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