Washington University in St. Louis
Office for International Students and Scholars
Campus Box 1083
One Brookings Drive
St. Louis, MO 63130-4899
Phone: 314-935-5910
Fax: 314-935-4075
E-mail: oiss@wustl.edu

facsimile transmittal

To: Federal eRulemaking Fax: 810-466-5370

From: Kathy Steiner-Lang Date: 4/2/07

Re: DHS Docket No. Pages: 3 (including cover page)

CC: USCIS-2006-0044

☐ Urgent ☐ Confidential ☐ For Review ☐ Please Comment ☐ Please Reply

OISS

Washington University in St. Louis

Office for International Students and Scholars

April 02, 2007

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

RE: DHS Docket NO. USCIS-2006-0044

Dear Director:

I am writing to comment on the proposed rule published in the *Federal Register on February 1, 2007* by the US Citizenship and Immigration Services (USCIS) to increase fees for several applications.

I am writing on behalf of Washington University in St. Louis, a private research university. As the Director of the Office for International Students and Scholars, the office which is responsible for the students and scholars from other countries, I oversee the filing of various immigration applications on behalf of Washington University. The University has approximately 2,500 students, postdoctoral scholars, researchers, professors and other employees on nonimmigrant statuses, including F-1 Student, J-1 Exchange Visitor, and H-1B Specialty Workers. In addition, Washington University sponsors between 30 and 50 employees for employment-based permanent residence every year. I have over 20 years of experience in filing university-sponsored applications with federal immigration agencies.

There are substantial increases in fees for the following applications, which are of concern to Washington University:

- I-765, is proposed to increase from $180 to $340;
- I-140 is proposed to increase from $195 to $280;
- I-485 is proposed to increase from $325 to $905; and
- I-539 is proposed to increase from $200 to $300

The USCIS indicates that these fees are to be increased to cover the all costs for the services of the USCIS. I believe that the only actual costs of processing the applications or petitions should be covered through the user fees. There are other costs for the maintenance of the immigration system that should not fall on the users. My concern is that the considerably higher costs of the immigration system will drive our international students, faculty, and researchers to other countries. There is a strong national benefit to the U.S. of having international students and scholars -- benefits to our foreign policy, the education of U.S. citizen students, and to our economy. In the current environment of globalization, the U.S. cannot afford to fall behind in the competition for the best and brightest international students and scholars. The importance of the international students and scholars to the U.S. has frequently been recognized by the President, the Secretary of State and the Secretary of Homeland Security.

Washington University in St. Louis, Campus Box 1083, One Brookings Drive, St. Louis, Missouri 63130-4899
(314) 935-5910, FAX: (314) 935-4075, oiss@.wustl.edu, www.oisshome.wustl.edu

The proposed rule would exempt certain applications from fees. I do not question the need to provide these benefits without fees to those users. However, this is an example where other users will subsidize the fees for those who are fee-exempt. The exemptions from these fees are a matter of public policy, so the cost of the processing of those applications should be covered through appropriated funds, rather than from other users of the immigration system.

Besides the general issue of funding public policy through appropriated monies, rather than user fees, I have some specific comments related to the proposed fee increases for certain application types, specifically the I-765 and the I-485.

The I-765 application is filed by many F-1 students to obtain work authorization for optional practical training (OPT). The authority to grant OPT used to be carried out by Designated School Officials (DSOs), but this is now carried out by the USCIS. Under the Student and Exchange Visitor Information System (SEVIS), this authorization could be delegated back to the DSOs, to decrease the costs in adjudicating the work permit applications. The OPT applications are fairly routine and are usually approved by the USCIS, so there seems to be no benefit to overloading the immigration service centers with this type of applications.

The substantial increase in the I-485 adjustment of status to permanent residence application has been justified on the basis that the work permit and advance parole permission are automatically included in the application. In my experience, I have seen that many, if not most, of our applicants do not use the benefits of the work permit or the advance parole, as they have valid work permission and a valid visa under the H-1B status for the entire time they are going through the permanent residence process. Thus, with these new fees, our applicants for permanent residence will be paying for benefits that they never intend to use. I suggest that the work permit and advance parole application remain separate from the I-485 application, so that those who need the benefits to work or travel outside the U.S. pay for such benefits, without penalizing those who will not use these benefits.

In summary, I recognize the need to make adjustments to the fees to provide for additional funds to process the immigration applications. However, I ask that the fees be set up to cover the actual cost of processing applications, rather than the entire cost of the immigration system. I believe that Congress should provide funding to support the public policy priorities in the immigration system.

I appreciate the opportunity to comment on this proposed rule.

Sincerely,

Kathy Steiner-Lang
Director