



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

Re: DHS No. USCIS-2006-0044

On behalf of the Indianapolis Symphony Orchestra, we 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.

We object to the proposed increase of the filing fees for nonimmigrant worker petitions. The proposed increase in the Form I-129 filing fees will be financially burdensome. Before U.S. Citizenship and Immigration (USCIS) contemplates any price increase, **regular processing procedures must first be improved.**

The Indianapolis Symphony Orchestra is one only a few 52-week orchestras that routinely invite foreign artists to the stage, and the fees that the USCIS is considering increasing creates financial difficulties to this not-for-profit organization.

Delays and unpredictability in visa processing have made it increasingly difficult for orchestras to present international artists in the United States. USCIS should not consider any fee increase without first improving regular processing procedures in the following ways:

Reduce the maximum processing period for O & P petitions to 30 days.

Receipt notices from USCIS often indicate that processing periods for regular petitions will range anywhere between 30 to 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.

If a processing delay is to occur to most major symphony orchestras in the country, the repercussions are far-reaching. Extra expenses are required to hire a replacement artist, usually at short notice. Audience members, who pay upwards of \$50-80 per ticket to see a particular artist, may be disappointed in the fact that this artist was not able to enter the country because of a glitch in the working visa process. This, in turn, creates incredulity



for our organization. The \$1,000 processing fee for Premium Processing is also not an affordable option for most orchestras. Several times this orchestra has been forced to pay this fee to expedite a visa process, even though the initial application was submitted within the amount of time suggested by the USCIS. On all occasions, the \$1,000 was never returned.

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 expedited processing available at no additional fee in cases where petitioners, through no fault of their own, experience an unforeseen emergency, and where failure to expedite the petition will result in serious harm, economically or otherwise, to the petitioner (as stated above). However, the USCIS 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.

We are 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.**

Thank you for your consideration.

Sincerely,

Zachary M. French
Artist Coordinator,
- for all staff, artists, and administration
of the Indianapolis Symphony Orchestra