

From: lweisz@bam.org [mailto:lweisz@bam.org]
Sent: Tuesday, March 27, 2007 5:21 PM
To: OSComments
Subject: DHS No. USCIS-2006-0044

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

Dear Director U.S. Citizenship and Immigration Services,

On behalf of the Brooklyn Academy of Music (BAM) and the audiences we serve, I 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.

The Brooklyn Academy of Music is a non-profit presenting arts organization whose facility is owned and operated by the City of New York. Its operations are made possible by a \$35 million operating budget comprised of public and private funds. Established in 1861, BAM has become one of the nation's most significant forums for innovation in the arts and a national model of an urban arts center. BAM's primary mission is to develop and present new work in the performing arts; to encourage innovative approaches to the traditional repertory of dance, opera, music, and theater; to promote unusual collaborations with visual artists; and to reach out to the local community through educational activities and multicultural experiences that specifically serve the interests of a culturally diverse urban population. BAM accomplishes its mission through its basic programming initiatives: the Next Wave Festival, which presents and produces new work from established and emerging artists; BAM Opera and BAM Theater, which offer alternative approaches to opera and theater production in the United States; and other special international events, including Dance Africa America and the International Children's Festival, which presents prestigious international companies rarely seen in the United States.

I am opposed to the proposed increase of the filing fees for nonimmigrant worker petitions. The proposed increase in the Form I-129 and Form I-824 filing fees will be financially burdensome to my nonprofit performing arts organization. Before the USCIS contemplates any price increase, regular processing procedures must be improved.

USCIS should not consider a fee increase without first improving regular processing procedures in the following ways:

Reduce the maximum processing period for O and P petitions to 30 days. Receipt notices from USCIS often indicate that processing

periods will range anywhere between 30 and 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.

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 traditional expedite processing available at no additional fee to petitioners who experience an unforeseen emergency. Since implementing the Premium Process Service, the USCIS has allowed nonprofit organizations to remain eligible for the traditional expedite. However, the 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.

I am 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 before burdening petitioners with any increase in processing fees.

Thank you for your consideration.

Sincerely,
Mary Reilly
Director of Artist Services
BAM
30 Lafayette Ave
Brooklyn, NY 11217

cc:
Senator Charles Schumer
Representative Edolphus Towns
Senator Hillary Clinton