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I am writing to you on behalf of Emory University to comment on the February 1, 2007, proposed rule "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule." My comments fall primarily in two areas. First, the proposed fee increases are so exorbitant they will act as a disincentive for international students and scholars to study and work in the United States. Second, USCIS fee increases have historically not enhanced services or decreased processing times as promised.

International students and scholars in the United States make a significant contribution to campus learning, community diversity, and the economy. Those who return home to become leaders in their countries represent a reservoir of goodwill for the United States and become our partners in international business, global health, democratization, and foreign policy. The President, the Secretary of State, and indeed the Secretary of Homeland Security have expressed clearly and often the high value that the United States places on attracting international students and scholars to this country.

Nonetheless, international student enrollments in U.S. colleges and universities have been declining since 2002. Educational associations attribute the decline to the almost immediate changes in visa requirements following 9/11 and even the requirements that didn't change were applied more stringently. However, even before 9/11, the U.S. was losing market share in the competition for international students to other mostly English-speaking countries (United Kingdom, Canada, and Australia). More recently, nations like China and India, major sending countries that are now seeking to provide more and better higher education options for their own students, have become competitors. We should encourage the best students from abroad to enroll in U.S. colleges and universities. The proposed fee increases do just the opposite: they create a barrier to F-1 students wishing to apply for optional practical training, a key part of their educational experience, and they require students and scholars to subsidize services which will not directly benefit them.

Education organizations have urged the United States government to develop a national strategy for restoring its status as a magnet for international students and scholars as a means of enhancing U.S. leadership, competitiveness, and security. They called for coordinating U.S. government efforts so that policies by one U.S. government agency that enhances U.S. competitiveness are not negated by another government agency. Regrettably, the proposed fee increases continue the trend of one agency negating the positive efforts of another.

USCIS must reconsider the role of appropriated funds to meet the administrative needs of the agency. I am very concerned about the negative impact that the substantial fee increases that are being proposed will have on efforts to recruit international students and scholars. The following areas are of particular concern because I think that the impact will be the most negative for Emory University.

- 1) The Form I-765 proposed fee of \$320 is prohibitive. The fee will cause fewer students to apply for OPT. Students will be less likely to apply for "speculative" OPT and will only apply, if they have been offered a job. Students will be less likely to apply for "pre-completion" OPT as they will see the accumulation of these fees during their program to be beyond their means. OPT was designed as a program to enhance students educational experience; however, such a large fee increase will have a negative impact.

- 2) The inclusion of the application fees for Form I-765 and Form I-131 with the Form I-485 is unfair to those applicants who do not need to apply for work authorization or a travel document. These should remain as separate fees so that only the applicants who need the benefits pay for them.
- 3) Nonimmigrants should not be required to pay the application fee for refugee and asylum status. The U.S. government grants refugee status and political asylum, therefore, the fees for these statuses should come from an allocation from the government.
- 4) Fees for applications and petitions should be charged at the rate necessary to cover processing cost. Nonimmigrants should not have to pay the cost of enhancing security, maintaining the integrity of the immigration system, and modernizing business infrastructure. These fees should come from budget allocations as with other government agencies

The past history of USCIS and its predecessor, INS, also causes concern regarding promises made but never realized. In past years, fee increases have been implemented with the promise of more efficient service and improved processing times. In reality, the fee increases did not bring about a sustained improvement of services or processing times. Much has been written in this proposed rule justifying why the increase in fees is required, and why the amount of increase is justified in sustaining improved services and processing times. If this is so, then USCIS must hold itself accountable, providing its customer base with real information on just how services and processing times have improved with the new increased fees. To do this, USCIS should benchmark at least twice a year the actual processing times of petitions and publish these findings on their website so that the public can see how USCIS is doing in reaching its goals in timely processing of petitions.

With such significant increases in fees, not only should USCIS's customers have ready access to information on the progress of reaching targeted goals in processing of petitions, but also ready access to USCIS Service Centers in resolving problems/errors with petitions. Currently USCIS does far too little in reaching out to and communicating with its customer base and its customer base has far too little access to the actual processing centers in resolving problems/errors. The National Customer Service line does not provide timely or accurate customer service and is a failed customer service system which needs to be eliminated and substituted with a Service Center-based customer service system. Finally, by the end of 2009, USCIS should process ALL petitions within stated processing time goals or refund the fee, as they do with premium processing. By adding this into the rule, USCIS will hold itself accountable, using these increased fees for its intended purpose - sustained improvements in processing times and customer service through improved infrastructure and enhanced business practices.

In summary, the amount of the proposed fee increases will act as a disincentive for international students and scholars to study and work in the United States. However, if implemented, the final rule should include steps that USCIS will take to hold itself accountable for sustained improvements in processing times and customer service.

Thank you for the opportunity to comment.

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