

David Lenze  
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USCIS Comments

Dear USCIS Comments:

My name is David Lenze and I am the Sr. Associate Director of Admissions for the Smeal MBA Program at Penn State. I am writing to you to express my opposition to the February 1, 2007, proposed rule <sup>1</sup>/<sub>2</sub> Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule. <sup>1</sup>/<sub>2</sub>

Our MBA Program is ranked among the top 40 MBA Programs in the country and a key element of the program is its global perspective. Accordingly, about a third of our students are from outside of the US. We have additional capacity in our program, so they do not ever take an opportunity away from a qualified US student. Instead, they add a key element to our educational experience and bring significant tuition to the University, and help further America's position as an economic and educational leader.

We compete for the world's best students with programs from Europe and Australia. The European's, in particular, have made aggressive moves (i.e., the Bologna Accord) to take a larger share of the educational marketplace. Our answer to this increased competition seems ludicrous. We are considering raising fees which will serve as an increased financial and psychological barrier to students who would consider studying in the US.

The proposed fee increases will act as a disincentive for international students and scholars to study and work in the United States. I request that you work to influence USCIS to reconsider the role of appropriated funds to meet the administrative needs of the agency. I ask that fees be reduced to the actual cost of processing the application or petition.

Fees that are proposed to increase include:

<sup>1</sup>/<sub>2</sub> The near-doubling of the I-765 fee for international students in F status to apply for work authorization for Optional Practical Training, from \$180 to \$340.

<sup>1</sup>/<sub>2</sub> The increases in the fees required in connection with change of status from F to H-1B, including the increase from \$200 to \$300 (a 50 percent increase) in the I-539 application to change nonimmigrant status

for dependents and the increase from \$190 to \$320 (a 68 percent increase) in the I-129 petition for nonimmigrant worker.

1/2The increases in the fees required to adjust status from H-1B to legal permanent resident (green-card status), including: the near-tripling of the I-485 application fee for permanent residence, from \$325 to \$905; and the increase from \$195 to \$475 (143 percent) in the I-140 immigrant petition for alien worker.

America has traditionally drawn strength from attracting the best and the brightest from around the world to study here. After they do, they sometimes become valued citizens here in the US and they sometimes carry our culture and values around the world. Either way, it is great for America.

These fee increases send the message that we don't want international students. This message is wrong and this policy is extremely shortsighted.

Regrettably, the increased fees will reinforce the inefficiencies and dysfunctionalities USCIS inherited from INS when the Department of Homeland Security was created. The solution to correcting the systemic problems that plague the agency is not to keep raising fees in a futile attempt to finance a twenty-first century agency. Unfortunately, to meet its statutory requirements, USCIS is turning to its only steady source of funding, its filers and petitioners, to finance the required modernization of its systems. While that is understandable, it is not acceptable as a matter of public policy, because it undermines the best interest of the country.

The fact that USCIS operates on a fee-funded basis creates a built-in incentive to subsidize unnecessary work. This creates an incentive to requiring USCIS approval for things; that way, you can charge a fee for processing the request, which provides necessary income to finance your broader operations. The I-765 fee for Optional Practical Training is a classic example. It used to be possible for school officials designated by the INS to approve OPT in accordance with agency regulations. The benefits of reinstituting and expanding this process speak for themselves: no application, no processing, no fee, one less task to be performed by the agency, more time to devote to what the agency really needs to do. There is no obvious public policy reason for USCIS to require agency approval for OPT today. With the Student and Exchange Visitor Information System (SEVIS) now fully in place, it would be easy to devolve this responsibility back onto the schools. Yet the cost of processing this unnecessary application process continues to drive up the fee.

While I understand that USCIS is permitted by law to recover the full cost of its services through fees, and indeed has no other option so long as Congress is unwilling to appropriate funds for the operation of the agency, I ask that the fees be reduced to the actual cost of processing

the application or petition. Meanwhile, I ask Congress to step up to its responsibility for fixing the untenable situation that drives these fee increases.

Thank you for the opportunity to comment.

Sincerely,

David L. Lenze  
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