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From: mail.relay@mailmanager.net [<mailto:mail.relay@mailmanager.net>] On
Behalf Of David Clubb
Sent: Thursday, March 01, 2007 2:49 PM
To: USCIS Comments
Subject: DHS Docket No. USCIS-2006-0044 - USCIS Fee Increase Comment

David Clubb
1781 Ferguson Road
Allison Park, PA 15101-3201

March 1, 2007

USCIS Comments

Dear USCIS Comments:

As an international educator working at the University of Pittsburgh (Pitt), I am writing to you in opposition to the February 1, 2007, proposed rule "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule." 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. This is of great concern to me as someone who oversees the Office of International Services at Pitt, which is responsible for, among many things, assisting the 4,000+ international students, faculty, and staff at Pitt with issues relating to their immigration status. Instead of once again increasing fees without

any measurable improvement in service, USCIS must 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.

International students and scholars at Pitt, and campus officials like me who facilitate their employment, file hundreds of petitions and applications with USCIS annually. Across the country, internationals and their campus officials file tens of thousands of petitions and applications with USCIS annually, including:

*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.

*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, and the increase from \$190 to \$320 (a 68 percent increase) in the I-129 petition

for nonimmigrant worker. These fees are on top of the required data collection and fraud prevention fee, which is not part of the fee schedule.

*The huge 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. (The proposed increase in the

I-485 fee is partly offset by the fact that it is accompanied by the elimination of additional filing fees for work authorization and for permission to re-enter after traveling abroad. However, the inclusion of those fees in the proposed new I-485 fee means that they would have to be paid even by those who do not expect to require the benefit.)

Like Pitt, many colleges and universities pay the USCIS fees for the green card process for the person being hired. It is less common for the fees

for the family members, such as spouse and children, to be paid for by the colleges or universities. The increases in fees will have a severe impact on families.

Apart from the direct impact of the excessive fees, they are contrary to

clearly expressed U.S. policies. 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. The United States reaps immeasurable benefits-for our foreign policy, our students' education, our economy, our competitiveness, and our public diplomacy-from attracting the best and brightest minds and the next generation of world

leaders to America's educational institutions.

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 prices statutory benefits out of the

reach of those who need them.

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. It is not in the public interest to sacrifice our nation's soft power to attract the best and the brightest on the altar of our quest to keep DHS a fee-based operation. We must not finance these critical functions, which are clearly in the national interest, in such a manner.

Appropriations are required.

Thank you for the opportunity to comment.

Sincerely,

David Bryan Clubb
412-848-4390

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