



March 29, 2007

Director, Regulatory Management Division
US Citizenship and Immigration Services
Department of Homeland Security
111 Massachusetts Ave. NW, 3rd floor
Washington DC 20529

RE: DHS Docket # USCIS-2006-0044

Proposed rule—Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule

The Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA) is a multi-ethnic, multiracial coalition that actively involves hundreds of grassroots immigrant organizations, human service agencies, legal service providers, labor unions, religious organizations, and human rights groups in cooperative efforts. MIRA has been in operation since 1987, formed by individuals and organizations concerned with preserving the civil and human rights of Massachusetts's immigrant and refugees as the sweeping changes of the 1986 Immigrant Reform Control Act were implemented.

MIRA is a respected state and national leader on immigrant issues and an authoritative source of information for policymakers, the media, and immigrant communities. MIRA's mission is to educate service providers and immigrant communities about changes in U.S. immigration laws and about policies, regulations, and procedures, overcome barriers preventing immigrants' and refugees' fair access to services and benefits, promote citizenship for people of all ages, and advocate for programs that support quality immigration services for low-income individuals. As such, we are compelled to comment on the proposed US Citizenship and Immigration Services (USCIS) fee increases.

The MIRA Coalition strongly opposes the increase to immigration and naturalization fees that USCIS proposed on February 1, 2007.

A large proportion of the immigrants and refugees with whom we work on a daily basis already struggles to pay immigration fees. A very significant increase in these fees by USCIS would put up barriers for immigrants seeking to obtain permanent residency status and become U.S. citizens. The MIRA Coalition supports creating opportunities for immigrants to further contribute to our Nation while achieving their goals. These increases are extremely detrimental to these objectives.

The fee increase for naturalization is particularly problematic. The cost to apply for citizenship has risen from \$95 to \$400 in total fees at the present time, representing a fourfold increase over the past eight years. A further increase of 70% to \$675 would create enormous barriers to naturalization for immigrants, a large number of whom work in minimum-wage jobs.

Particularly alarming is the proposed increase for filing for adjustment of status, which puts immigrants on the road to citizenship and further contribution to U.S. society. That application has risen from \$130 in 1998 to \$325 today, in addition to \$75 for biometrics. The proposed rule would increase the price to \$905 in addition to \$80 for biometrics. These rule changes would bring to nearly \$1,000 the cost for an immigrant to obtain a green card and start the five-year waiting period for citizenship. For many minimum-wage immigrant workers and especially those who earn too much to qualify for a fee waiver but too little to pay these fees, the increase effectively puts citizenship out of their reach. Further, the effect of this increase on families with several children would be particularly tragic because of the combined cost for family members.

The proposed waiver system under this new fee structure would restrict the availability of fee waivers to certain types of applicants, thereby terminating access to many individuals and families who cannot afford filing fees. USCIS states as its rationale for this change the public charge ground for inadmissibility. However, the public charge ground for inadmissibility does not apply to individuals filing for adjustment of status including asylees, applicants under section 202 NACARA, HRIFA, or registry. Nonetheless, USCIS seeks to terminate the fee waiver system for these asylees, some of whom are indigent and need these waivers in order to clear immigration hurdles and become productive members of society.

Further, MIRA observes that under this new proposed rule change, VAWA self-petitioners would be required to pay the fee for adjustment of status while their self-petitions and applications for T visas would be waived. This incongruence in the proposed fee structure is at odds with the humanitarian concerns that underlie the fee exemption for I-360s filed under VOWA.

MIRA agrees with USCIS that it is necessary to improve service. The backlog of months and in some cases years for processing applications clearly needs to be improved. The Government Accountability Office (GAO) reported that the agency lost track of 110,000 files needed to process citizenship cases. Therefore, MIRA congratulates USCIS efforts to improve its services. Nonetheless, we believe that it is counterproductive to place the entire burden of paying for such improvements on the backs of immigrants struggling to pay agency costs.

There are other mechanisms through which USCIS could cover its costs. No laws require USCIS to fund its operations through fees, and no laws prevent USCIS from asking Congress for appropriations. In the past, USCIS has sought and received Congressional funding. Section 286(m) of the Immigration and Nationality Act (8 USC section 1356(m)) states that agency fees “*may* be set at a level that will ensure recovery of the full costs of providing all such services.” A fee-funded structure is by no means mandatory. Some opponents of immigration state that the costs of adjustment and naturalization should not be placed on the backs of taxpayers. However, immigrants are hard working and contribute tax revenue to the

United States. Allowing them to integrate into U.S. society will give them an even greater connection to this country in which they are contributing these tax dollars.

The benefits of legal immigration and citizenship serve our entire country. Immigrants are the engine of our economy without which many U.S. industries would collapse. Through their tax dollars and hard work, immigrants help revitalize our communities and keep our Nation's industries running. Facilitating a reachable path to citizenship for immigrants allows them to build strong ties to their new home, to learn English, to gain knowledge of American history and government, and to swear allegiance to the United States of America. Immigration policies should encourage immigrants to reintegrate into our community by gaining legal status and becoming contributing citizens, not to remain in the shadows.

For the aforementioned reasons, proposals to dramatically increase immigration fees are counterproductive and detrimental to our Nation. The Massachusetts Immigrant and Refugee Advocacy Coalition strongly urges USCIS to reconsider this proposal and to seek other sources of funding for its operations instead of placing additional burdens on the shoulders of immigrants who are trying to become engaged members of society.

We hope that the Department of Homeland Security will give serious consideration to these concerns before implementing a fee increase. If you have any questions about these comments, please contact me at (617) 350-5480 ext 211. Thank you for the opportunity to submit these comments and your consideration.

Respectfully submitted,
Eva A. Millona

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