

From: miguel@miguelgutierrez.org [mailto:miguel@miguelgutierrez.org]
Sent: Sunday, February 18, 2007 9:39 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 my company, Miguel Gutierrez and the Powerful People, 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.

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 make it much more financially difficult for smaller presenting organizations to bring quality artists from other countries. It is my opinion that this an incredibly important time for artists to be ambassadors of cultural exchange and that we should be doing everything possible to facilitate this exchange rather than adding to the difficulty that is already present. 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.

My experience of getting visas to bring my company to other countries has shown me how quickly fees can add up to make it burdensome and difficult to travel abroad. If we had not been able to afford these fees we might have missed out on some of the most incredible performing experiences that we have had.

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,
Miguel Gutierrez
Director
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cc:
Senator Charles Schumer
Representative Nydia Velazquez
Senator Hillary Clinton