



INTERFAITH LEGAL SERVICES FOR IMMIGRANTS

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LEGAL DIRECTOR

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Re: DHS Docket No. USCIS-2006-0044
Proposed Rule: Adjustment of the Immigration and
Naturalization Benefit Application and Petition Fee Schedule

To Whom It May Concern:

On behalf of Interfaith Legal Services for Immigrants (ILSI), we are writing to oppose the fee increase proposed by U.S. Citizenship and Immigration Services (USCIS) on February 1, 2007.

ILSI is a small, not-for-profit immigration law office in St. Louis, Missouri. ILSI's mission is to provide effective and affordable immigration legal services to those seeking to live in freedom in the United States. We offer *pro bono* and low cost legal services to otherwise underserved low-income clients in a broad range of immigration cases, including political asylum, human trafficking, battered immigrant spouse and children petitions, application for permanent residence, naturalization, and family reunification.

Many of the immigrants and refugees with whom we work on a daily basis already struggle to pay immigration fees. The steep increases proposed by USCIS, which in some cases more than doubles the current fee, would put the goals of gaining permanent resident status, reuniting with family members, and ultimately becoming a U.S. citizen out of reach for many who would otherwise be eligible for such relief. USCIS should be building bridges for immigrants to move toward citizenship, not putting up walls.

This is particularly true with regard to the proposed fee increases for the N-400, Application for Naturalization, and the I-485, Application to Register Permanent Residence or Adjust Status. In reporting to the General Accounting Office for its 2004 study on immigration filing fees, USCIS stated that the cost of certain items were not included in its February 2002 fee adjustment because the resulting fee increases would have been "excessive." GAO, *Immigration Application Fees: Current Fees are Not Sufficient to Fund U.S. Citizenship and Immigration Services' Operations* (GAO-04-309R, Jan. 5, 2004) at 31-32. "For example, the Application for Naturalization fee would have increased by more than 50 percent from \$225 to \$345." *Id.* at 32. With the current proposed fee schedule, the fee for the N-400 would increase by 80 percent. If the previous fifty percent increase was found to be excessive, certainly an eighty percent increase must be unacceptable.

For the I-485, the proposed fee increase is even more egregious, resulting in a 178 percent increase. Under the proposed rule, it will cost nearly \$1,000 for an immigrant to obtain permanent residence and start the five-year path to citizenship. A minimum-wage immigrant worker would need to save a full month's pay to afford the proposed fee.

The proposed fee increases would not only leave many of our clients in financially difficult positions, but would also impede our office's ability to continue to effectively and actively advocate on behalf of an underserved client community. The financial strains imposed by the proposed fee increase would leave our small not-for profit office unable to represent some immigrants who are otherwise eligible for relief, since we do not have the resources to pay the filing fees for them.

ILSI appreciates the efforts of USCIS to improve its services. We applaud the proposal of USCIS to eliminate the filing fees for the most vulnerable of applicants, including victims of drug trafficking and VAWA petitioners. We also laud USCIS's goals of "clos[ing] current funding gaps, accomplish[ing] performance goals, eliminate[ing] problematic incentives, expedit[ing] processing, and fairly allocate[ing] costs." Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule, 72 Fed. Reg. 4888, 4891 (proposed Feb. 1, 2007) (to be codified at 8 C.F.R. pt. 103).

We agree funding is necessary to reduce the backlogs in application processing and the months- to even years-long delays caused by security checks. However, the burden imposed on immigrants by the proposed fee increases is not significantly eased by the purported reduction in processing times. An 86% average increase in fees to pay for at best a 20% improvement by 2009 is hardly proportionate. See Rep. Zoe Lofgren, Opening Statement, Oversight Hearing on "The Proposed Immigration Fee Increase," Feb. 14, 2007 (questioning whether the "return on that investment is sufficient").

Additionally, USCIS is one of the only government agencies, apart from the Postal Service, that attempts to operate on funding that is 99% based on user fees. See U.S. Department of Homeland Security, USCIS Fact Sheet: President's FY 2008 Budget Request for USCIS Focuses on Building an Immigration Service for the 21st Century, February 5, 2007 (reporting on the President's requested \$2.6 billion budget for USCIS, of which \$2.54 billion is to be funded through fees). Such fees finance everything from file storage to modernizing business

infrastructure to law enforcement activities such as investigations and security checks. Much of what USCIS does, however, is in the national interest and should be funded with appropriations. For example, background checks are a matter of national security and should be funded as such. Furthermore, new immigrants should not be required to pay for upgrades of antiquated systems and the shortcomings of the past twenty years.

We encourage USCIS to seek alternative means of funding. Nothing prevents USCIS from pursuing other sources of revenue, including asking Congress for appropriations. Indeed, USCIS has sought and received Congressional funding several times in the past. Furthermore, as Representative Zoe Lofgren (D-CA), Chairman of the U.S. House of Representatives Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, recently explained, "We must begin to explore the best means by which CIS ought to be funded. We know that the Immigration and Nationality Act permits, but does not require, the agency to fund its costs through user fees." Rep. Zoe Lofgren, Opening Statement, Oversight Hearing, "The Proposed Immigration Fee Increase," Feb. 14, 2007.

At this time, increasing user fees by approximately 90% is not the best means of obtaining funds. USCIS should seek congressional appropriations as an option for funding before implementing such drastic fee increases that would unnecessarily burden immigrants seeking to come to and remain in this country legally. We strongly believe that the burden of paying for USCIS improvements should not rest solely with immigrants, who are already struggling to pay agency costs and are receiving poor service.

Most fundamentally, legal immigration leading to citizenship benefits our entire country. Immigrants contribute to our economy through their talent and hard work. They pay taxes that help revitalize our communities. In becoming citizens, immigrants demonstrate their strong commitment to their new home by learning English, gaining knowledge about American history and government, and swearing allegiance to the United States. It is little wonder that newly naturalized citizens, eager to participate in our democracy, consistently vote at higher rates than other citizens. We should be encouraging immigrants to become part of our community by gaining legal status, not setting up barriers that block their path to citizenship.

We urge USCIS to reconsider this proposal, particularly the proposed fee increases for the N-400 and I-485. We further encourage USCIS to seek other sources of funding for its operations, rather than add more burdens on immigrants. Thank you for your consideration.

Sincerely,


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