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March 7, 2007

USCIS Comments

Dear USCIS Comments:

I am writing to you as an international educator 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. 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, and campus officials that employ them, 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 for dependents 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.)

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.

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 beneficial to this country as a public policy, because it prices statutory benefits out of the reach of those who need them, and further discourages students abroad from choosing the U.S. as a study destination.

According to the U.S. Department of Commerce, international education is the 5th largest "export" of the U.S. economy, since it essentially brings foreign currency into our economy. Our students contribute both to U.S. universities in terms of tuition dollars, and to the general local economy through apartment rental, expenditures related to daily living, and tourism dollars brought into the U.S. by family members who visit from abroad.

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,

Rosanne L. Roraback
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