

March 7, 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**

On behalf of Empire Justice Center, I am writing to strongly oppose the increase to immigration and naturalization fees that US Citizenship and Immigration Services (USCIS) proposed on February 1, 2007.

As a statewide, multi-issue, multi-strategy non-profit law firm, Empire Justice Center works with many immigrants in various areas.

An overwhelming majority of the immigrants and refugees we work with on a daily basis already struggle to pay immigration fees. The steep increases proposed by USCIS, which in some cases double the current fee, would put the goals of gaining permanent resident status, reuniting with family members, and ultimately becoming a US citizen farther out of reach. USCIS should be building bridges for immigrants to move toward citizenship, not putting up walls.

The proposed fee for naturalization is particularly jarring. As recently as 1998, the cost to apply for citizenship was \$95. In 2002, after the Bush Administration took office, the costs (including biometric fees) went up from \$250 to \$310. The total fees are now \$400, a fourfold increase in the past eight years. Now USCIS is proposing a further increase of 70%, to \$675. An immigrant working at a minimum-wage job would need to work for more than three weeks and save all of his earnings in order to pay this fee.

Even more startling is the proposed cost of filing for adjustment of status, which for many immigrants is the first step on the road leading to US citizenship. That application has risen from \$130 in 1998 to \$325 today, plus \$75 for biometrics. Under the proposed rule, the price will rise to \$905 plus \$80 for biometrics. In other words, it will cost nearly \$1,000 for an immigrant to get a green card and start the five-year countdown to citizenship. A minimum-wage immigrant worker would need to save a full month's pay to afford the proposed fee.

USCIS claims that the fee increase is necessary to improve service. USCIS definitely needs to improve service, as shown by the continuing backlogs in application processing and the months-long (even years-long) delays caused by security checks. Last October,

the Government Accountability Office reported that the agency had lost track of 110,000 files needed to process citizenship cases. We applaud USCIS's efforts to improve service. We nevertheless believe that the burden of paying for such improvements should not rest solely with immigrants who are already struggling to pay agency costs and receiving poor service.

USCIS also argues that it has no other option than raising fees if it wants to cover its costs. In fact, there are no laws that require USCIS to fund all of its operations through fees. 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

Most basically, immigration and citizenship are public goods that benefit our entire country and that we as a nation should help pay for. Immigrants bring their talent and hard work to our economy. They pay taxes and help revitalize our communities. In becoming citizens, immigrants demonstrate their strong commitment to their new home country 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 and becoming citizens, not setting up barriers that block their path and keep them out.

For all these reasons, the proposal to increase immigration fees is misguided and counterproductive. We urge USCIS to reconsider this proposal, and 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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