

---

**From:** Card, Deborah [mailto:CardD@cso.org]  
**Sent:** Thursday, March 22, 2007 6:36 PM  
**To:** OSComments  
**Subject:** DHS No. USCIS-2006-0044

On behalf of the **CHICAGO SYMPHONY ORCHESTRA**, we 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.

We object 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 not only be financially burdensome but will also severely affect our organization's ability to attract and present the world's greatest artists, as we have now done for 116 years.

Before U.S. Citizenship and Immigration Services (USCIS) contemplates any price increase, **regular processing procedures must be improved.**

Founded in 1891 and considered one of the world's finest orchestras, the Chicago Symphony Orchestra performs more than 120 concerts at Orchestra Hall each season (including several with the Chicago Symphony Chorus). Approximately 550,000 people attended performances and events at Symphony Center last season, including numerous free events such as Macy's Day of Music, Civic Orchestra of Chicago concerts, the CSO's All-Access Chamber Music concerts, and education and community relations programs. Attendance for 2005-2006 Chicago Symphony Orchestra performances stood at 85% capacity sold, a 3.8 percentage point increase compared to the previous year, attributed to innovative and stimulating programming, new series and audience development initiatives, and high-demand concerts.

The Chicago Symphony Orchestra Association presents a variety of music through the Chicago Symphony Orchestra to local, national, and international audiences, as determined by its mission statement. In order to achieve this mission, we present programs that strengthen and sustain our diverse audience base. By presenting

internationally renowned foreign artists, the Association ensures that our audiences receive a wide range of performances at the highest level. Without foreign artists, the CSO would face opposition from the public and therefore, a loss in ticket sales, in addition to a loss in stature as an internationally respected organization. In the 2004-2005 season, we totaled \$13.3 million in ticket sales, which, without the more than 25 foreign artists included in the season's programming, would not have been possible. The Association would lose patrons who specifically buy tickets to support our varied programming, which include foreign artists. Without fair and reasonable support from USCIS, we would not be able to present internationally renowned artists.

In order to maintain our ability to present foreign artists, the Chicago Symphony Orchestra Association relies on the flexibility and understanding of the United States Citizenship and Immigration Services.

Delays and unpredictability in visa processing have made it increasingly difficult for orchestras to present international artists in the United States. USCIS should not consider any fee increase without first improving regular processing procedures in the following ways:

**Reduce the maximum processing period for O & P petitions to 30 days.**

Receipt notices from USCIS often indicate that processing periods for regular petitions 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, particularly when it is not allowable to apply for a visa more than 180 days in advance of the artist's arrival in the United States. 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.

The process of engaging an international artist is not only time-consuming but time-sensitive. Artists of extraordinary ability, like those engaged by the Chicago Symphony Orchestra, must be able to count on the USCIS to properly process their visas with

sufficient notice so that they can schedule and arrange for appointments at their home consulate. Visa processing delays can mean cancellation of performances that have been announced and advertised months in advance. Performance cancellations due to visa processing delays have significant financial ramifications.

**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 expedited processing available at no additional fee in cases where petitioners, through no fault of their own, experience an unforeseen emergency, and where failure to expedite the petition will result in serious harm, economically or otherwise, to the petitioner. This has never been the case for the Chicago Symphony Orchestra, despite instances in which the failure to expedite the petition would result in rather adverse circumstances for the organization. In fact, we have requested expedited processing by paying the levy on premium processing and have still had tremendous difficulty through no fault of our own in obtaining visa approvals within the 10 business day window. The Premium Processing Fee of \$1,000 per application simply is not an affordable option for any non-profit organization, particularly when it is additional to the regular processing fee, fees for a peer consultation letter, and expedited postage.

**Not-for-profit arts-related petitioners require affordable, reliable, and timely visa processing.**

Visa processing delays compound the growing risk that foreign artists will be unable to enter the United States in time for their engagements, causing financial burdens on performing arts organizations, potentially denying the American public the opportunity to experience international artistry due to delays and cancellations.

The USCIS 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.

Thank you 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.

Sincerely,

Deborah R. Card

Chicago Symphony Orchestra

President

**Deborah R. Card**  
**President**  
**Chicago Symphony Orchestra Assn.**  
**220 South Michigan Avenue**  
**Chicago, Illinois 60604-2559**  
**Telephone: 312-294-3210**  
**Fax: 312-294-3329**  
**[cardd@csso.org](mailto:cardd@csso.org)**