

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. We ask that fees be reduced to the actual cost of processing the application or petition.

On the I-765 Fee Increase:

On our campus, we have about 1000 international students, many of whom are interested in using the Optional Practical Training (OPT) option upon graduation to find employment in their field. The proposed fee increase for this particular application is almost double, from \$180 to \$340! OPT is a benefit derived from having F1 status, and to have to pay \$340 for processing of such a benefit seems excessive. I am concerned that we will have students who will not be able to afford such high fees, especially when they are required to have made the application prior to graduation, when they are not yet working. Applying for OPT does not require a student to have a job offer in hand, and that student without an offer may have a hard time coming up with such a fee in order to enjoy a benefit they are entitled to.

It used to be possible for school officials designated by the INS to approve OPT in accordance with agency regulations. The benefits of reinstituting and expanding this process speak for themselves: no application, no processing, no fee, one less task to be performed by the agency, more time to devote to what the agency really needs to do. There is no obvious public policy reason for USCIS to require agency approval for OPT today. With the Student and Exchange Visitor Information System (SEVIS) now fully in place, it would be easy to devolve this responsibility back onto the schools.

I-129, I-140 Fee Increase:

We also file about 200 H petitions each year for our researchers and teaching faculty.

The proposed fee increase for filing an H1 petition is going 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. On average, we file about 90 petitions each year.

We are also concerned about the proposed fee increase in the permanent residency arena. For all our long term hires, we will certainly be looking at sponsoring

our international employees for a green card. The I-140 immigrant petition for alien worker fee is proposed to go up from \$195 to \$475, more than double the current fee. We filed at least 20 such petitions last year.

Our campus is constantly looking to hire the best person for the job, regardless of their nationality. The impact of these fee increases, should it go into effect, will be quite substantial on our various program budgets. We want to attract and hire the best candidates for our critical faculty and staff positions, and having to consider these fees can detract from hiring the best, if there are budget constraints.

We are also not convinced that we will see much return for these projected fee increases: will we get better adjudication times? We need to see that there will be faster adjudications for our petitions and applications for such steep fee increases. USCIS last increased their fees in October 2005. We certainly did not see any improvements in adjudication times from those fee increases.

I-485 Fee Increase:

The huge increases in the fees required to adjust status from H-1B to legal permanent resident (green-card status), includes the near-tripling of the I-485 application fee for permanent residence, from \$325 to \$905. 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; and we have quite a few faculty who opt to remain on their H1b until their I-485 is approved.

Many of the faculty that we hire and file permanent residence for also have family members. Each member will also have to file and pay the I-485 fees. This increase 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.

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.

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