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Sent: Wednesday, March 28, 2007 7:29 PM
To: OS Comments
Subject: DHS Docket No. USCIS-2006-0044

Carmina Ocampo
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March 28, 2007

OS Comments

Dear OS Comments:

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

The UCLA School of Law Asian Pacific Islander Law Student Association is
deeply concerned about the proposed USCIS fee increase referenced above.

I am co-chair of the Asian Pacific American Law Student Association,
representing over 100 Asian American law students. We are very active with
the Los Angeles API legal community and work very closely with the Asian
Pacific American Bar Associations.

We are deeply troubled by the sheer size and scope of the fee increase.
USCIS plans to increase citizenship fees from \$400 (\$330 application fee
plus \$70 fingerprinting fee) to \$675 (\$595 application fee plus \$80
fingerprinting fee), an increase of 69 percent. It would also raise fees
for 37 other immigration and naturalization petitions and applications at
an average increase of 66 percent. Furthermore, it appears that the
increase will take place at once rather than being spread out over a
period of time.

Rapid fee hikes of such magnitude will have a disproportionate and
detrimental impact on the Asian American community. As the following
figures reflect, Asian Americans constitute a significant portion of
USCIS's customer base.

-39% of people who naturalized in 2005 were born in Asia.
Five of the top ten countries of birth for new U.S. citizens are Asian

(Philippines, India, Vietnam, People's Republic of China, and Korea).
-36% of people who became lawful permanent residents (LPRs) in 2005 were born in Asia. -Five of the top ten countries of birth for new LPRs are Asian (India, China, Philippines, Vietnam, and Korea). -Significant numbers of asylees and refugees came from Asian countries such as Laos (16 percent of refugees admitted in 2005) and China (21 percent of asylum granted in 2005).

The massive and abrupt fee increase proposed by USCIS will delay or prevent Asian Americans from becoming U.S. citizens, reuniting with their families, contributing their knowledge and skills to our economy, and settling into our society after having escaped persecution.

-A family of four LPRs who want to apply for U.S. citizenship at the same time will now have to have \$2,700 at their disposal in order to achieve their American dream together.

-A family of four which has been granted asylum in the U.S. and is applying for permanent residence will now need \$3,620 in hand in order to apply for permanent residence.

-Furthermore, asylees applying for permanent residence will be ineligible to apply for fee waivers, no matter how dire their financial situation may be, because USCIS intends to categorically eliminate fee waivers for I-485 applications for adjustment as a part of the fee increase.

-The proposal would also prohibit U.S. citizens and LPRs from requesting fee waivers on I-130 relative petitions on the grounds that the petitioners must file affidavits of support to show that they can support their beneficiaries should they be unable to do so themselves.

[Insert other examples of problems that the fee increase and/or the ban on fee waivers may cause you and/or the community you serve.]

The fee hike and the blanket ban on fee waivers on certain applications and petitions would be particularly burdensome to the roughly 12 percent of the Asian American community which lives below the poverty level.

Given the speed, scope and scale of the proposed fee increase, we believe that USCIS customers must receive faster, greater, and more concrete improvements in processing times and customer service. The fee increase proposal itself does not appear to set forth any concrete targets for improvement in these areas.

Finally, we believe that certain improvements which the USCIS wants to finance through the fee increase would be better addressed through the normal budget and appropriations process. For instance, while we support USCIS's efforts to improve its fraud detection capacity and to modernize its business and technological infrastructure, we do not believe that immigrants and their families should bear the sole burden for these efforts.

In conclusion, we urge USCIS to reconsider the proposed fee increase. We hope that the agency will work with immigrant communities, and with Congress, to develop a functioning, effective immigration system that will

benefit our country.

Sincerely,

Carmina Ocampo