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March 9, 2007

U.S. Citizenship & Immigration Services
Regulatory Management Division
Attn.: Director
111 Mass. Ave., N.W., 3rd flr.
Washington, D.C. 20529

In re: DHS Docket No. USCIS-2006-0044

Dear Sir or Madam:

There is no logic whatsoever to the Service's intention to once again raise its user fees, nor to the amount by which it has stated it intends to raise them.

The U.S.C.I.S. has already, in its last few all-too-frequent fee-raising, brought the cost of filing petitions and applications out of the reach of the persons—whether they be aliens, permanent residents, or citizens—that need to pay those fees. And the jumps have been outrageous and drastically higher.

What do you and your colleagues do: Sit around in a conference room and just throw numbers around? If you were ever asked to justify the amounts that you come up with, based on actual man-hours spent or other costs to the agency, you would be unable to do so, because there is no logic or relevant thought process that goes into it. It is truly arbitrary and even capricious.

Interestingly, every time the Service raised fees in the past, it has sweetened the proposition by informing the public that these “enhanced” fees would cause the Service to work more efficiently, clearing out backlogs and making waiting times far shorter. I am an attorney who specializes in immigration and nationality law and I can testify that no such result has occurred. On the contrary: Delays and backlogs have gotten longer and worse than ever.

I see clients waiting three and four years between the submission of their I-485 Applications to adjust to permanent residence and their interviews. And even when the interviews are, at long last, held, the clients are more often than not left dangling in the wind for months and years, as the Service finds undisclosed background-check reasons to delay their achieving the status for which they have proven themselves eligible and long and patiently waited in line. Meanwhile, those who were out of status for six months or more, remain unable to travel to their native countries, while their aged relatives grow old and die.

I see aliens request an extension of N.I.V. status, whose adjudication takes so long that their answer arrives months after the requested extension itself has expired.

I see families divided—not just by having to wait for their priority dates to become current—but by the slowness of the Service to get around to adjudicating their underlying applications.

I see employers unable to legally place needed aliens in their workforce because of the delays of the Service.

And I have not even begun to discuss the poor quality of your adjudications, once your employees or contractors get around to looking at the applications that were long ago submitted. Your adjudicators exhibit neither consistency nor common sense—for all the money that you pay to hire your workers. They reject applications—after a long wait following submission—for silly, unfounded reasons, e.g., doubting that a signature is an original one because it is written in black ink.

If your agency were dealing vis-à-vis U.S. citizens, you would have been put out of business by Congress long ago. But, no, the Service deals with helpless aliens, who must put up with whatever the Service dishes out and whose complaints will never reach the ear of anyone in the Congress.

Is it not bad enough that the immigration law itself has grown harsher with every passing session of Congress? Does the Service need to pour salt on an open wound by jacking up the fees to file applications beyond the ability of the public to afford those fees?

The Service does not think twice in raising fees to several times where they were: viz.: the incredible hike that happened in one fell swoop, raising the fee to reopen and reconsider from \$110.00 to \$385.00! And mind you, more times than not, the matter being reopened and reconsidered had been denied due to clear Service error.

Has the U.S.C.I.S. no shame? Fees are already far too high. If the Service wishes to change its application fees, let it consider changing them downward—not upward. And if the Service does go ahead with its upward scaling of fees, let it justify each and every raise with a rational explanation

Sincerely yours,

A handwritten signature in cursive script, reading "Sheila C. Lev-Tov".

Sheila C. Lev-Tov

cc: AILA