

March 14, 2007

Director, Regulatory Management Division
US Citizenship and Immigration Services
Department of Homeland Security
111 Massachusetts Avenue, NW, 3rd Floor,
Washington, DC 20529

RE: Opposition to Proposed Rule, DHS Docket No. USCIS-2006-0044

Dear Director,

Washington State University, Office of International Programs, writes in opposition to the February 1, 2007, proposed rule "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule," DHS Docket No. USCIS-2006-0044. The proposed fee increases are so exorbitant that they will discourage Washington State University departments from hiring key teaching and research faculty at a time when we are striving to internationalize our university. They will also act as a disincentive for international students from studying and working in the United States.

As a fee-based agency, USCIS uses revenues from application fees rather than appropriated funds to pay for processing applications and petitions and to fund the administration of the country's immigration laws. We strongly believe it is time for the Administration to request, and Congress to appropriate, funds to allow USCIS to do its job. Until the Administration and Congress act to appropriate fund to USCIS, we urge that USCIS fees be reduced to the actual costs of processing the application or petition.

Washington State University currently sponsors more than 200 temporary and permanent teaching and research faculty with H-1B nonimmigrant status. We sponsor approximately 20% of those with permanent residency. Washington State University departments pay for many of the USCIS fees pertaining to H-1B and permanent residency sponsorship.

The proposed rule would increase the H-1B I-129 petition for nonimmigrant worker fee from \$190 to \$320 (a 68% increase). This fee increase is in addition to the \$500 fraud fee that is part of all initial H-1B filings. For our permanent residency cases, the I-140 Immigrant Visa fee would more than double from \$195 to \$475 (143 percent) and the I-485 Adjustment of Status fee would increase from \$325 to \$905 (278 percent).

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 reenter the US after traveling abroad. However, the inclusion of those fees in the proposed new I-485 fee means that even persons who do not require the additional benefits would have to pay for

them (many Washington State University employees with pending I-485 applications are in H-1B status and do not require the additional I-485 work authorization and travel benefits).

The proposed rule would also nearly double the I-765 fee for international students in F status who apply for Optional Practical Training (OPT) work authorization, from \$180 to \$340. Students typically pay the OPT work authorization fee, often before they even have secured a job. The proposed fee increase will have a severe impact on unemployed students who do not have many economic resources. Furthermore, even students who apply for work authorization based on "economic hardship" would be required to pay the excessive \$340 fee. Since the actual cost of processing a student work authorization application would certainly be far less than \$340, we strongly urge that USCIS reexamine this fee increase on our international student population.

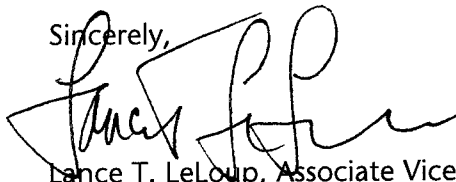
Apart from the direct impact of the excessive fees, they are contrary to clearly expressed US policies. Congress has historically assisted institutions of higher education to attract "the best and the brightest" foreign national employees, as evidenced by the H-1B cap exemption, the H-1B fee exemptions and labor certification "special handling" relaxed requirements. Moreover, the President, the Secretary of State and 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.

Regrettably, the increased fees will reinforce the inefficiencies USCIS inherited from INS when the Department of Homeland Security was created. The solution to correcting the systemic problems that plague the agency is not to keep raising fees in a futile attempt to finance a twenty-first century agency. Unfortunately, to meet its statutory requirements, USCIS is turning to its only steady source of funding, its filers and petitioners, to finance the required modernization of its systems. This is not acceptable as a matter of public policy, because it prices statutory benefits out of the reach of those who need them.

While the interim solution may be for USCIS to reduce fees to the actual cost of processing the application or petition, we strongly urge Congress to appropriate sufficient funds to operate the USCIS agency, lest US universities will be left unable to attract and retain the best and the brightest faculty, scholars and students from around the world.

Thank you for reviewing our concerns to the proposed rule. If you have any questions for us, please do not hesitate to contact me.

Sincerely,



Lance T. LeLoup, Associate Vice Provost
International Programs
Edward R. Meyer Distinguished Professor of Political Science

cc: Jim Petersen, 1033
Kristi Growden, 1033