

new world symphony
america's orchestral academy
michael tilson thomas, artistic director

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Regulatory Management Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
111 Massachusetts Avenue, NW, 3rd Floor
Washington, D.C. 20529

Re: DHS No. USCIS-2006-0044

On behalf of the New World Symphony, 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 be financially burdensome. Before U.S. Citizenship and Immigration Services (USCIS) contemplates any price increase, **regular processing procedures must be improved.**

The New World Symphony, founded in 1988, organizes and presents a season consisting of approximately sixty orchestral and chamber music performances each year. The majority of performances are held at Lincoln Theatre in Miami Beach, FL. The mission of the New World Symphony is to prepare highly-gifted graduates of distinguished music programs for leadership roles in orchestras and ensembles around the world. We strive to expose our musicians to as many different styles and schools of thought as possible, including international conductors and soloists.

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. 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.

Engaging an international artist is something we plan one year, to several years, in advance. We start marketing and selling tickets to these concerts long before the 6-month window where we can even apply for the applicable Visas. Many orchestras are forced into the \$1,000 Premium Processing fee because of the unreliability of standard U.S.C.I.S. processing. This severely limits the amount of international artists we could hope to bring in otherwise.

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.

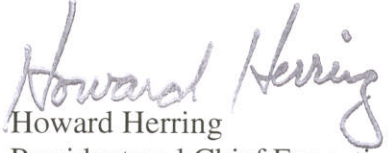
In this past concert season alone, we had several instances of delayed and inaccurate processing. In one instance, an approval notice was lost in the mail, and U.S.C.I.S. refused to reprint it without an entirely new application. In another, we had to change a standard application (submitted months in advance) to an unbudgeted expedite because of the quickly approaching concert date. Even this past February, a representative from the California Service Center called *our offices* to ask *us* if an approval had gone through. It is frightening how the lack of records could have prevented our approved artist from entering the United States!

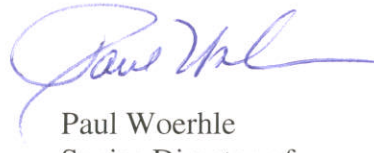
Implement uniform policies to improve the traditional expedite service.

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. However, 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. We are grateful 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.

Thank you for your consideration.

Sincerely,


Howard Herring
President and Chief Executive
Office


Paul Woerhle
Senior Director of
Development and
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Douglas Merilatt
Senior Vice President of Educational
and Artistic Programs


Beth Boleyn
Artist Services Manager

cc: Senator Mel Martinez and Senator Bill Nelson