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Sent: Monday, February 19, 2007 2:55 PM
To: OSComments
Subject: DHS Docket Number USCIS-2006-0044

Dear Secretary Chertoff and the Administrative Staff of the Department of Homeland Security:

I am writing to address the proposal to increase certain immigration fees. While I agree that a fee increase is necessary to ensure public safety and agency efficiency, I have three main concerns with the proposed increase.

1. The drastic fee increase proposed could encourage more illegal border crossing resulting in more undocumented people. One reason that people choose to cross the border without proper authorization is the cost of a visa or other immigration status. Because the border is currently relatively easy to pass through undetected, the fee increase will likely exacerbate the problem. This will end up increasing the costs for Customs and Border Patrol and for Immigration and Customs Enforcement, which will be unprepared for the greater influx of undocumented people.

2. With the incredibly high proposed increase in immigration fees, it is likely that fewer people will use the assistance of immigration lawyers that are now necessary to complete the complex forms and other requirements. This can backfire and harm the country because many who will benefit our country will likely not be able to successfully complete the forms without legal assistance. Many people comment that immigration paperwork has become as difficult as the U.S. tax code. It is a complex world of legal documentation, which most often requires the assistance of an immigration lawyer. For example, under the Immigration Marriage Fraud Act, the requirements to successfully obtain unconditional lawful permanent resident status have become increasingly complex. There are initial filing deadlines that require incredible amounts of paperwork and other evidentiary support to obtain conditional permanent resident status. Then there are additional filing requirements to remove that conditional status with additional filing fees. The current rate of adjustment of status for marriage petitions is \$935.00. The proposed change in fees more than doubles that cost. It is very likely that with more than a 100% increase in immigration fees, many people will try to navigate the world of immigration law alone and unassisted.

It is important that people be able to get legal assistance for the many requirements and to be completely informed of all that the immigration laws require of them. This fee increase will likely cause many people to file for immigration benefits without being fully informed about what they need to do to successfully pass through all of the immigration hurdles. This can be nearly impossible without an immigration attorney. Because many people will not seek legal assistance under the proposed fee increase, the United States will end up preventing many valuable immigrants from becoming a part of our nation and contributing to its growth and development.

3. It appears counterintuitive to increase the fees to counteract the fees that are waived for particular immigration benefit claims or

for those who cannot afford the fees while decreasing a person's ability to request a fee waiver. INA section 212(a)(4) prevents those who are likely to become public charges from being admitted to the United States. However, these fee increases are such that many people should be able to request a fee waiver, and they still would not fall into the definition of one likely to become a public charge. Many of these fees are too great for many people to afford. Therefore, fee waivers should be available when the fees are increased by an average of 86% [as stated by Emilio T. Gonzalez in his statement before the House Judiciary Committee on February 14, 2007], and sometimes even more. However, this proposal seeks to decrease a person's ability to request waivers. If the Government intends to decrease waivers available, then there is not the need to increase fees as drastically as is currently being proposed to cover those requesting waivers or other free immigration benefits.

Based on the foregoing reasons, I respectfully request that Mr. Chertoff and the Department of Homeland Security rethink the amount that the fees will be increased. This is due to the above three concerns I have listed. First, the proposed fees will likely increase illegal border crossings. Second, it will prevent people from seeking legal assistance for immigration benefits and exclude people who would be beneficial to this country. Finally, the proposed increase is counterintuitive as it purports to increase fees to cover those seeking fee waivers and other free immigration benefits while the proposed rule seeks to limit a person's ability to obtain a fee waiver.

I sincerely hope that my comments are taken into consideration and that this proposed rule be modified to a less drastic fee increase. Instead of the current proposal, I hope the Government would choose to employ a more reasonable fee increase such as 30% to 33%. I believe that this increase would still allow the Government to maintain its efficiency and thoroughly screen those seeking admission without creating the adverse effects of the drastic proposed increase. Under a smaller fee increase, I think it would still be completely reasonable for the Government to seek to limit fee waivers.