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From: mail.relay@mailmanager.net [<mailto:mail.relay@mailmanager.net>] On
Behalf Of Charter Morris
Sent: Friday, March 02, 2007 8:25 AM
To: USCIS Comments
Subject: DHS Docket No. USCIS-2006-0044 - USCIS Fee Increase Comment

Charter Morris
International Programs, 331 Martindale
University, MS 38677

March 2, 2007

USCIS Comments

Dear USCIS Comments:

My name is Charter Morris, and I am an advisor to international faculty and scholars at the University of Mississippi.

I am writing to you as an international educator in opposition to the February 1, 2007, proposed rule "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule." The proposed fee increases are so exorbitant they will act as a disincentive

for international students and scholars to study and work in the United States. USCIS must reconsider the role of appropriated funds to meet the administrative needs of the agency. I ask that fees be reduced to the actual cost of processing the application or petition.

Under the new Carnegie classifications, the University of Mississippi is a comprehensive, research institution with high research activity. Our university is home to 20 national research centers, including the National Centers for Natural Products Research, Physical Acoustics, and Computational Hydroscience. The international researchers and faculty are key to the function and success of the university. Our research centers

rely on international collaboration and attract many international researchers, professors, and scholars to the institution.

The new fee increases will hinder the University of Mississippi's ability to attract prominent researchers and needed faculty and instructors.

Some

departments with limited budgets, such as Modern Languages, will not be able to afford to support H-1Bs or Permanent Residency for future instructors and faculty. This means that the University of Mississippi will no longer be able to offer the same level of quality education to its students.

Since the beginning of the fiscal year on July 1, 2006, the University of Mississippi has hosted 250 international faculty and researchers on J-1s, H-1Bs, TNs, O-1s, and PRs. The actual monetary impact on the University

of Mississippi based on the fee increases could be as much as \$20,000 in

additional filing fees for I-129s and I-140s alone. The additional cost

to the international faculty and researchers and their families who are seeking Permanent Residency using the I-485 would be around \$50,000. These figures do not include the additional thousands of dollars for other application fees. Again, for many departments and many of the international faculty and researchers, these fees may prove to be one obstacle too many, and we may lose valuable minds to other institutions and to other areas of the world.

International faculty and scholars, and campus officials that employ them, file tens of thousands of petitions and applications with USCIS annually, including:

*The increases in the fees required in connection with change of status from F to H-1B, including the increase from \$200 to \$300 (a 50 percent increase) in the I-539 application to change nonimmigrant status, and the increase from \$190 to \$320 (a 68 percent increase) in the I-129 petition

for nonimmigrant worker. These fees are on top of the required data collection and fraud prevention fee, which is not part of the fee schedule.

*The huge increases in the fees required to adjust status from H-1B to legal permanent resident (green-card status), including: the near-tripling of the I-485 application fee for permanent residence, from

\$325 to \$905; and the increase from \$195 to \$475 (143 percent) in the I-140 immigrant petition for alien worker. (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 re-enter after traveling abroad. However, the inclusion of those fees in the proposed new I-485 fee means that they would have to be paid even by those who do not expect to require the benefit.)

Our institution pays the USCIS fees for the green card process for the person being hired. The fees for the family members, such as spouse and

children, are paid for by international employees themselves. The increases in fees will have a severe impact on these families.

Apart from the direct impact of the excessive fees, they are contrary to

clearly expressed U.S. policies. The President, the Secretary of State,

and indeed 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 and dysfunctionalities 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. While that is understandable, it is not acceptable as a

matter of public policy, because it prices statutory benefits out of the

reach of those who need them.

The fact that USCIS operates on a fee-funded basis creates a built-in incentive to subsidize unnecessary work. This creates an incentive to requiring USCIS approval for things; that way, you can charge a fee for processing the request, which provides necessary income to finance your broader operations. The I-765 fee for Optional Practical Training is a classic example. It used to be possible for school officials designated

by the INS to approve OPT in accordance with agency regulations. The benefits of reinstituting and expanding this process speak for themselves:

no application, no processing, no fee, one less task to be performed by

the agency, more time to devote to what the agency really needs to do. There is no obvious public policy reason for USCIS to require agency approval for OPT today. With the Student and Exchange Visitor Information System (SEVIS) now fully in place, it would be easy to devolve this responsibility back onto the schools. Yet the cost of processing this unnecessary application process continues to drive up the fee.

While I understand that USCIS is permitted by law to recover the full cost of its services through fees, and indeed has no other option so long as Congress is unwilling to appropriate funds for the operation of the agency, I ask that the fees be reduced to the actual cost of processing the application or petition. Meanwhile, I ask Congress to

step up to its responsibility for fixing the untenable situation that drives these fee increases.

Thank you for the opportunity to comment.

Sincerely,

Charter Morris
662 915-1558

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