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Campaign for Legal Aid

ST. PAUL AREA OFFICE*
166 E. Fourth Street, Suite 200
St. Paul, MN 55101
(651) 222-5863

EASTSIDE & AMERICAN INDIAN OFFICE
579 Wells Street, Suite 100
St. Paul, MN 55101
(651) 771-4455

EAST METRO SUBURBAN OFFICE
15815 Franklin Trail S.E.
Prior Lake, MN 55372
(952) 440-1040

S.E. AREA OFFICE* &
RURAL INTAKE "HOTLINE"
132 N. Broadway
Albert Lea, MN 56007
(507) 377-7401

S.E. AREA OFFICE
903 W. Center Street, Suite 130
Rochester, MN 55902
(507) 292-8080

S.E. AREA OFFICE*
66 E. Third Street
Winona, MN 55987
(507) 454-6660

S.W. AREA OFFICE*
12 Civic Center Plaza, Suite 3000
Mankato, MN 56002-3304
(507) 387-5588

S.W. AREA OFFICE*
421 Tenth Street
Worthington, MN 56187
(507) 372-7368

EDUCATION LAW ADVOCACY PROJECT
450 N. Syndicate Street, Suite 325
St. Paul, MN 55104
(651) 291-2837

HOUSING ALLIANCE LAW OFFICE
798 E. Seventh Street
St. Paul, MN 55106
(651) 771-9323

MINNESOTA FAMILY FARM LAW PROJECT
12 Civic Center Plaza, Suite 3000
Mankato, MN 56002-3304
(507) 387-1211

REFUGEE, IMMIGRANT, AND
MIGRANT SERVICES (RIMS)
450 N. Syndicate Street, Suite 325
St. Paul, MN 55104
(651) 255-0797

118 Broadway, Suite 616
Fargo, ND 58102-4647
(701) 232-8872

c/o IMAA
300 Eleventh Avenue N.W., Suite 110
Rochester, MN 55901
(507) 289-5960, ext. 104

* Office has a special Legal Advocacy for Older
Americans Project and a Volunteer Attorney
Program.

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LAW OFFICE OF
SOUTHERN MINNESOTA
REGIONAL LEGAL SERVICES, INC.

Administrative / Program Support Office

166 East Fourth Street, Suite 200

Saint Paul, Minnesota 55101

(651) 228-9823

Fax (651) 228-9450

e-mail: smrls.administration@smrls.org

www.smrls.org

April 2, 2007

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

RE: DHS Docket # USCIS-2006-0044
Proposed rule — Adjustment of the Immigration and
Naturalization Benefit Application and Petition Fee
Schedule

Dear Director:

Pursuant to the request for comments contained in the Federal Register dated February 1, 2007, seeking input on a proposed rule regarding U.S. citizenship and immigration services, 8 C.F.R. 103, "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule", on behalf of Southern Minnesota Regional Legal Services (SMRLS), I submit the following comments strongly opposing the major increase in immigration and naturalization fees that U.S. Citizenship and Immigration Service (USCIS) proposes in this rule.

These comments are submitted consistent with the rules and regulations of the Legal Services Corporation (LSC). SMRLS is a non-profit legal services program. It provides immigration representation, consistent with the LSC regulations, to thousands of low-income persons in Minnesota each year who reside in 33 counties of southern Minnesota and to migrant farmworkers in both Minnesota and North Dakota. These comments are based on SMRLS' 32-year history of providing immigration related legal representation and advice to low-income refugees and immigrants.

All of SMRLS' clients are low income. Almost all of these immigrants already struggle to pay current immigration fees. The increases proposed by USCIS, in some cases, double the current fee. In SMRLS' experience, these increases would have the impact of denying persons who are in the United States legally and who are otherwise eligible to become citizens the opportunity to become citizens. This result would be in contradiction of the laws and policies of the United States.



LSC

As I understand it, the proposed fee for naturalization would be increased by 70% to \$675. As recently as 1998, the cost to apply for citizenship was \$95 and there has already been a four fold increase in the past eight years.

In SMRLS' experience, refugees and immigrants strive to become economically self-sufficient to the best of their ability. Because of language barriers, discrimination, limited educational opportunities and otherwise, many work in minimum or low-wage jobs. Requiring a family living on a minimum wage to raise this large amount or of having to choose between paying the rent, feeding their children, or going to the doctor in order to have funds to pay these fees is neither fair or realistic.

Family stability and unification are strong American values and, certainly, values in the low-income client communities that SMRLS serves. The proposed increases run counter to these values and, in many instances, will cause hardship and suffering to families trying to scrap together these large fees.

The proposed cost of filing for adjustment of status, would also, in SMRLS' experience, make it impossible for many refugee or immigrant families, particularly minimum wage workers, disabled persons, and elderly immigrants, to take this step toward becoming U.S. citizens.

Specifically, as I understand it, the process for filing has already risen from \$130 in 1988 to \$325 today and, under the proposed rule, would increase to \$905. This in addition to a charge for biometric data. This nearly \$1,000 total cost would be out of the reach of most elderly, disabled, and minimum wage families.

Unfortunately, in SMRLS' experience of representing thousands of persons each year, USCIS routinely denies fee waiver requests. Burdensome documentation requirements have been placed on client families and it appears that many waiver requests are denied without any objective basis.

If the policy of the USCIS would be to effectuate the spirit of the law, allowing for fee waivers for persons of limited means, perhaps, the proposed increases under the rule would not have the devastating impact on children, families and future employment opportunities that are likely to occur.

In SMRLS, its staff and volunteer attorneys represent many elderly and disabled Hmong families, Somali individuals, Sudanese and Bosnian refugees, and other persons from war torn countries, many of which continue to face civil strife. Many of these families have been on the side of the United States in these conflicts and have been forced to flee their homeland, as mentioned, because of this violence and civil instability.

In SMRLS' experience, a significant number of these refugees suffer from physical or mental disabilities. For disabled immigrants, supplemental Social Security Income (SSI) benefits are the only means for families to survive. Unless families naturalize and become U.S. citizens, the benefits are cut off.

Disabled persons living on subsistence income programs, seldom have a place to turn to pay for the necessary application fee to naturalize. Thus, they face the prospect of eventual termination from SSI. SSI is often the difference between these disabled or elderly persons having a place to live or becoming homeless.

Preventing homelessness is a major value in the United States. Preventing the suffering and harm that accompanies homelessness is a critical priority. Also, it is clear that homelessness drives up public and social costs.

Thus, to the extent that individuals who are eligible to become citizens are not barred from that opportunity, and are able to maintain their SSI survival income, this is not only the right thing to do, but this is a sound investment! Making it impossible for these disabled persons, who can barely make ends meet, to naturalize by substantially raising the fees runs counter to the spirit of United States law and the values which shape it.

SMRLS employs many immigrants and refugees in delivering its services. I am informed by SMRLS' staff that USCIS is working hard to improve service. On behalf of SMRLS' low-income clients, I respect and appreciate those efforts.

Citizenship and immigration are fundamental core American ideals. Our nation is a nation of immigrants. Citizenship benefits the broader community.

Immigrants bring in expertise, cultural experience, great talent, and a work ethic that benefits us all. Most immigrants pay taxes. By becoming citizens, they swear allegiance to the United States. They gain a greater understanding of the majority culture and knowledge about the justice system, government, and the history of the United States. Moreover, the hard work of becoming a citizen involves learning English and shows a great commitment to the United States.

In SMRLS' experience, naturalized citizens are eager to go to work, eager to become Americans, eager to vote, and eager to participate in our society. By becoming citizens, persons remove a tremendous barrier to obtaining employment. By having the ability to obtain decent employment, they are enabled to support themselves and their families. By having access to the citizenship process, low-income clients not only achieve these great rewards of our American dream, but they encourage family reunification and, thus, family stability.

On behalf of SMRLS, I would respectfully encourage USCIS to find other resources to pay for improved services. With the large increases in fees that low-income immigrants have faced during recent times, they are already paying too much of the burden for USCIS' services, in SMRLS' opinion.

On behalf of SMRLS and its refugee and immigrant clients, I respectfully oppose the proposed increases in immigration, as, in our experience, they will hinder instead of help persons to become citizens, thus, further impoverishing families and making it impossible for persons who are legally in the United States to realize this country's great opportunity and promise ... becoming United States citizens.

Director, Regulatory Management Division
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I respectfully urge USCIS to reconsider the proposal and, perhaps, adopt a sliding fee scale which exempts SSI recipients or persons in low-wage jobs from paying these higher fees or otherwise finding alternative sources of funding to finance any needed improvements. This approach would better respect the spirit and values of our great country and its laws.

Respectfully submitted,



Bruce A. Beneke
Executive Director

BAB/mlg

cc: SMRLS Board of Directors
Jessie R. Nicholson, SMRLS Executive Director Designee
Jennifer Stohl Powell, RIMS Supervising Attorney