

**From:** York, Amy [mailto:AmyYork@juf.org]  
**Sent:** Monday, April 02, 2007 11:15 AM  
**To:** OSComments  
**Subject:** DHS Docket No. USCIS 2006-0044

Please find comments for Docket No. USCIS 2006-0044 attached and below.

Sincerely,

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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:

On behalf of the Hebrew Immigrant Aid Society of Chicago (HIAS Chicago) and the Jewish Federation of Metropolitan Chicago, we are writing to strongly oppose the increase to immigration and naturalization fees that the U.S. Citizenship and Immigration Services (USCIS) proposed on February 1, 2007.

HIAS Chicago, a beneficiary agency of the Jewish Federation of Metropolitan Chicago, is a not-for-profit organization chartered in 1911, working in partnership with Jewish Child and Family Services. HIAS Chicago is a state-licensed agency, which is accredited by the U.S. Board of Immigration Appeals and the Council on Accreditation of Services for Families & Children, Inc. (COA). The Agency's board of directors is comprised of 28 dedicated community volunteer leaders, of whom one-third are former refugees and immigrants. For more than 95 years, HIAS Chicago has been a leader in assisting people seeking refuge from desperate conditions through the immigration process. Their personal stories are HIAS Chicago's history.

Trained multilingual HIAS Chicago staff provide pre- and post-migration services, which include: refugee processing; permanent residency preparation; indemnification services for Holocaust survivors; community outreach and information; and a full range of citizenship preparation classes and naturalization application assistance services. HIAS Chicago also has an active corps of community volunteers who assist in a variety of citizenship programs.

Drawing from the strengths of our Jewish values, HIAS Chicago responds to the migration needs of refugees and immigrants from a myriad of countries and ethnic backgrounds who have come seeking refuge and a new life in the United States. Over the last two decades, HIAS Chicago has helped over 14,000 refugees and immigrants through the resettlement process and ultimately to attain United States citizenship. Through our community outreach efforts and active participation in projects funded by the State of Illinois and private donors, in 2006 alone, we assisted 1,514 immigrants from nearly every continent to complete citizenship applications. Most recently, among the largest groups served have been Hispanic, Polish/Eastern European, Asian and Middle Eastern immigrants.

The need to adjust to lawful permanent residency and ultimately become a U.S. citizen remains a pressing issue for all immigrants and refugees. Indeed, President Bush in his State of the Union address "emphasized the value of upholding the nation's tradition that welcomes and 'assimilates' new arrivals." The USCIS' proposed fee increase is contrary to the spirit of this tradition and sends newcomers the wrong message at a time when they are seeking to embrace U.S. citizenship. Immigrants who apply for naturalization are eager to demonstrate their commitment to this country by becoming full participants in our nation's civic life. If they cannot become U.S. citizens because of an unfair fee hike, we may all lose an opportunity to strengthen and revitalize our democracy.

Yet, the steep fee increases proposed by USCIS, which in some cases double the current fee, would absolutely put the goals of gaining permanent resident status, reuniting with family members, and ultimately becoming a US citizen out of reach for many. Immigrants who have come to America in accordance with our laws, learned English, qualified to become citizens and are willing to fight for our country should not be faced with this unreasonable financial barrier.

The proposed fee for naturalization is of particular concern. As recently as 1998, the cost to apply for citizenship was \$95. In 2002, after the Bush Administration took office, the costs (including biometric fees)

went up from \$250 to \$310. The total fees are now \$400, a fourfold increase in the past eight years. Now USCIS is proposing a further increase of 70%, to \$675. An immigrant working at a minimum-wage job would need to save three weeks' salary in order to pay this fee.

Even more alarming is the proposed cost of filing for adjustment of status, which for many immigrants is the first step on the road leading to US citizenship. That application fee has increased from \$130 in 1998 to \$325 today, plus \$75 for biometrics. Under the proposed rule, the price will rise to \$905 plus \$80 for biometrics. In other words, it will cost nearly \$1,000 for an immigrant to get a green card and start the five-year countdown to citizenship. A minimum-wage immigrant worker would need to save a full month's pay to afford the proposed fee. For a family of four, adjustment applications reach a cost of \$4000 or possibly more than one-third of one's annual income.

Furthermore, while fee waivers remain available to certain naturalization applicants, the proposed rule removes green card applicants from eligibility for fee waivers altogether. Because individuals who adjust to lawful permanent residents with the status of "immigrant" require Affidavits of Support as part of their adjustment application, to prove that they will not become public charges, they are viewed under the proposed fee increase guidelines as ineligible for fee waivers. Those who are unable to afford the exorbitant cost will postpone or worse abandon applying for adjustment of status to lawful permanent resident and will remain less than full participants in the fabric of American society.

The USCIS is directed to set fees at a level that will allow it to recover the costs of processing applications. However, agency policies and Congressional mandates are forcing newcomers' fees to cover massive expenditures for major infrastructure investments and process improvements that are driving fees to a level that immigrants simply cannot afford. For example, according to the USCIS, the agency needs to raise fees to improve the timeliness of background checks, modernize its outdated business systems by upgrading and enhancing its technological capabilities, improve USCIS facilities and enhance its personnel training and recruitment programs. The USCIS also announced that it intends to improve the average processing time for the Form N-400 naturalization application from seven to five months.

We believe that our system for funding immigration services should be a partnership where applicants pay a reasonable fee for quality service. Thus, we call on the President and Congress to consider such recommendations as those proposed by the Migration Policy Institute, a non-partisan think tank devoted to the study of movements of people. The suggestions involve developing a structure where "fees pay only for the processing of applications, while Congressional appropriations will cover administrative and overhead costs or the expenses associated with new technology and structural improvement."

In the past, USCIS has claimed that the fee increase is necessary to improve service, yet the agency has not taken steps to ensure that fees are commensurate with the value of services. USCIS pledges to improve application processing time by a mere 20% by the end of FY09, while it seeks to hike fees by an average of 66% percent now.

Furthermore, improving service is consistently defined by USCIS as reducing processing times; however, accessibility to live customer service assistance, and responsiveness and accountability from USCIS is imperative to improving service.

We strongly believe that no fee increase should be implemented without putting an end to USCIS' current practice of denying cases due to procedural problems. Many cases, for example, are denied because the Service claims that applicants have not responded to biometrics appointments allegedly made for them, for which the applicants have received no notification. While applicants are required to prove that they have

made timely applications to seek any service, USCIS is currently allowed to deny a benefit based upon their unsubstantiated claims that notices were sent out. Similarly, many cases are denied solely because the applicant mistakenly checked an incorrect box on an application. The Service refuses to reconsider these cases without additional fees. In such cases applicants pay inflated fees for no service at all. We believe it is unconscionable that UCSIC propose an increase of fees until these procedural denials are completely ended.

Delays due to FBI security name checks is a prime example of the lack of service or accountability taken by USCIS, which insists that the delays are the responsibility of the FBI and out of its control, despite the fact that the FBI is paid by USCIS to provide this service. Some refugees who have escaped persecution and come to the United States as a safe haven, have applied for naturalization in a timely manner, but have been cut off from Supplemental Security Income (SSI) because of these delays and are left without a life line of financial support.

In addition, USCIS equates improving service with introducing advanced technology that can support online application processes and internet access to records. Yet large numbers of immigrants who work for minimum wage jobs or are elderly or disabled, are frequently without internet access, would be unable to utilize this improved service. Without access to personal case assistance from USCIS for applicants and community based organizations, such as HIAS Chicago, improving service by reducing processing times and improving technology is superficial and unproductive.

Most basically, immigration and citizenship are public goods that benefit our entire country and we, as a nation should help invest in this program. Immigrants bring their talent and hard work to our economy. They pay taxes and help revitalize our communities. In becoming citizens, immigrants demonstrate their strong commitment to their new home country by learning English, gaining knowledge about American history and government, and swearing allegiance to the United States. It is little wonder that newly naturalized citizens, eager to participate in our democracy, consistently vote at higher rates than other citizens. We should be encouraging immigrants to become part of our community by gaining legal status and becoming citizens, not setting up barriers that block their path and keep them out.

For all these reasons, the proposal to increase immigration fees is misguided and counterproductive. We urge USCIS to reconsider this proposal, and to seek other sources of funding for its operations, rather than add more burdens on immigrants. Thank you for your consideration.

Sincerely,

Susan G. Wexler, LCSW

Assistant Director

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