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From: mail.relay@mailmanager.net [<mailto:mail.relay@mailmanager.net>] On  
Behalf Of Bob Ericksen  
Sent: Friday, March 02, 2007 10:54 AM  
To: USCIS Comments  
Subject: DHS Docket No. USCIS-2006-0044 - USCIS Fee Increase Comment

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5301 Yale Ave.  
Westminster, CA 92683-2734

March 2, 2007

USCIS Comments

Dear USCIS Comments:

I am writing to you as director of the Dashe Center for International Students and Scholars at UCLA in opposition to the February 1, 2007, proposed rule "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule." I work with the international student and scholar community at UCLA, numbering over 5000, having recently moved here from Cal State Fullerton. 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.

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

- \*The near-doubling of the I-765 fee for international students in F status to apply for work authorization for Optional Practical Training, from \$180 to \$340.

- \*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.)

The impact on our over 5000 international students and scholars is dramatic. We've recently completed a needs assessment and survey of our

students and scholars and over 1000 have responded. Most troubling to me are the stories students and scholars tell of delays in getting visas, unpleasant experiences at our Embassies and Consulates abroad, and concern about growing costs for applications for benefits of their status.

International students and scholars have taken this in a very personal way- as a further indication that the United States does not welcome them and their scholarly activity. And, I know, you share with me an awareness of the value and contribution of these individuals to our campus, the State of California, and our nation.

In our employment based visa area, the impact will be dramatic as well.

We do a high volume of H-1b applications (over 100 annually) in our office in order to ensure that the best and brightest faculty and researchers are teaching and partnering with our California students and faculty. With the situation for our departmental budgets, this places, in many cases, a large new burden on academic departments, already strained by limited budgets. For the fees paid by applicants, this further hampers our ability to attract the best, as candidates are discouraged and burdened by the fees and, like the students, take this as a very personal indicator that the US does not value their presence and contribution. Yet, these individuals are the ones who, in many cases, lead much of our cutting edge research in many fields, particularly in the STEM fields (science, technology, engineering and math) where we need to restore the US as a world leader in research and teaching activity.

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. My many colleagues at UCLA join me in appreciation for your willingness to consider these matters. We view it as an absolutely critical component of US competitiveness, foreign policy and security. I'm more than pleased to be contacted if you have any concerns or questions.

Sincerely,

Bob Ericksen

310-825-1728

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