

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

RANDEL K. JOHNSON
VICE PRESIDENT

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March 30, 2007

BY EMAIL TO: OSComments@dhs.gov

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Emilio T. Gonzalez, Ph.D.
Director of U.S. Citizenship and Immigration Services
Department of Homeland Security
111 Massachusetts Avenue, NW
Third Floor
Washington, DC 20529

RE: DHS Docket No. USCIS-2006-0044
Proposed Rule – Adjustment of the Immigration and
Naturalization Benefit Application and Petition Fee Schedule,
8 C.F.R. Part 103, February 1, 2007

Dear Dr. Gonzalez,

On behalf of the United States Chamber of Commerce (“the Chamber”) we would like to present our comments on the proposed rulemaking cited above pertaining to the Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule.

The Chamber is the world’s largest business federation, representing more than three million businesses and organizations of every size, sector, and region, and over 100 American Chambers of Commerce in 91 countries. The Chamber represents numerous companies and organizations that bring thousands of workers and students into the United States and often pay for many of the application and petition fees being affected by the proposed increases. Thus, the Chamber has a vested interest in the cost of bringing these workers and students into the United States.

The Chamber would first like to applaud the United States Citizenship and Immigration Services (“USCIS”) for their hard work in striving to eliminate years of visa backlogs and their continuing work to improve the efficiency of the visa process in this country. Furthermore, in these comments, we would like to highlight some of the main concerns the Chamber has with the sizeable increases in certain processing fees being proposed. USCIS needs to ensure that these fees are set fairly and are used wisely for the

stated purpose of improving processing. It is important that such substantial fee increases show measurable results and improved customer service.

The increase in cost of an I-485 (Applications for Permanent Resident):

Under the proposed rule, an I-485 (Application for Permanent Resident) would automatically include the cost of the I-765 (Application for Employment Authorization) and the I-131 (Application for Traveling Documents). This assumes that every person filing an I-485 will also be filing, and requiring, the interim benefits of an I-131 and I-765. This is the rationale behind raising the I-485 form fee from \$325 to \$905 for a person above the age of 15 and \$805 for a person below the age of 15.

The Chamber represents many multinational businesses and organizations that bring highly skilled workers into this country on H1-B and L-1 visas, which allows them to travel and work. Many of them are later sponsored for a permanent visa, also known as “Green Card,” and wait years for the processing of the I-485 (Permanent Resident Visa Application). Raising this processing fee so dramatically (280%) will dissuade many multinational companies from sponsoring their best workers to stay in the United States permanently.

The Chamber asks that you consider changing the proposed rule to add more flexibility in determining who is responsible for paying the different components of the new I-485 processing fee, which now includes the new increased fees for the I-765 (\$340) and the I-131 (\$305).

Increase in cost of an I-765: (Application for Employment Authorization)

The Chamber believes that raising the cost of an I-765 (Application for Employment Authorization) from \$180 to \$340 would severely hurt those looking for part-time jobs in this country. Foreign students often take on part time jobs to pay for their expenses while studying in the United States. Almost doubling the cost of processing an I-765 would place a great financial burden on students.

This increase also affects spouses of individuals who already possess permanent working status and wish to hold part time jobs themselves to supplement their income. Keeping the world’s most talented students and thinkers in this country is a priority of the Chamber and many of those come with families that face the same realities of a typical American family that needs to be a two income household to retain their standard of life.

Increase in cost of an I-90 (Application to Replace Permanent Resident Card)

The increase in the I-90 (Application to Replace Permanent Resident Card) from \$190 to \$290 is a very drastic increase considering the low cost of the “make determination” process of this form. The I-90 is for a replacement document and the

“make determination” portion of the process is the lowest (\$34) of all the applications and petitions mentioned in the proposed rule.

Increasing the cost of the I-90 to cover other administrative costs involved in background checks would put a severe strain on families that cannot even use the document for travel, only for status identification, and would then be subject to other fees. It seems unfair to severely burden these permanent residents with paying for a service they will not benefit from.

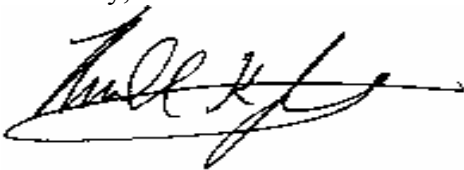
Conclusion

The Chamber believes that the fee increases for the applications named above would make it more difficult for, and place an undue burden on, businesses and organizations who wish to bring workers and academics into the United States. The Chamber also feels they would create an unnecessary incentive for individuals and industries to look abroad for employment, training, and educational opportunities.

The Chamber understands the need for USCIS to meet growing application demands across many areas as well as running extensive background checks on applicants; however, the specific increases mentioned above could harm our economy by making it harder for desirable immigrants from coming to this country to benefit and make it stronger. The fee structures need to be fair and applicants should only have to pay for services that they need. Again, it is important that such large fee increases show measurable results and improved customer service.

Once again, we appreciate the hard work by USCIS to make vast improvements to our country’s visa process and look forward to our continued work with the Department of Homeland Security on many visa processing issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Randel K. Johnson", with a long horizontal flourish extending to the right.

Randel K. Johnson, Vice President
Michael W. Dendas, Coordinator
Labor, Immigration & Employee Benefits Division