

SENT VIA FACIMILE TO: 1-866-466-5370

March 29, 2007

Mr. Richard A. Sloan Director
Regulatory Management Division
U.S. Citizenship and Immigration Services
Department of Homeland Security
111 Massachusetts Avenue, N.W., 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 Mr. Sloan:

The staff of the Unaccompanied Refugee Minor Program of Lutheran Community Services of Southern New England is deeply concerned about the impact that the proposed fee increases by the U.S. Citizenship and Immigration Services (USCIS) will have on the refugees and asylees we serve. The recently proposed increases will create a significant obstacle for many vulnerable migrants, including refugees and asylees seeking to integrate into the United States by becoming permanent residents or naturalizing as U.S. Citizens.

In Section IX: Proposed Fee Adjustments, USCIS is proposing a fee of \$905 for an I-485 adjustment of status application, representing an increase of \$580 from the current fee of \$325. This proposed fee will prevent many asylees from being able to apply for legal permanent residence, which will delay their eligibility to naturalize as U.S. Citizens. Currently, many asylees have considerable trouble paying the current \$325 fee and will either wait to adjust, sometimes years after they are eligible, or request a fee waiver. The children we serve are in this country without parents or guardians. They are in foster homes and have no financial income. Those who enter as asylees will face a fee undergoing a 178% increase, USCIS is proposing to categorically eliminate the availability of fee waivers for all I-485 adjustment of status applications, except for refugees adjusting status under INA §209(a) who will continue to be automatically exempt from the paying the I-485 application fee.

In Section XI: fee waivers of the proposed rule, USCIS argues that because the likelihood of becoming a public charge is a ground of inadmissibility under INA §212(a)(4), allowing for a fee waiver for an adjustment application is inconsistent with the requirements of the benefit sought. When the applicant for permanent residence is an asylee this rationale is inconsistent with USCIS's mandate in INA §286(m) to offset the fee burden of "similar services provided without charge to asylum applicants or other immigrants." Similar to refugees, asylees are eligible for public assistance by virtue of their status and, according to 8 C.F.R. §209.2(a)(1)(v), the public charge ground of inadmissibility does not apply to asylees adjusting status. For an asylee, seeking a need-based waiver for an I-485 application is entirely consistent with the historical treatment of the population. The current policy is mindful of the desperate circumstances that force asylum seekers to flee their homes and the dire financial situation an asylee may face during the early stages of his/her new life in the United States. The I-485 fee must also take this reality into consideration and, at least, provide waivers for those who most need the assistance. Lutheran Community Services thanks USCIS for continuing to exempt refugees adjusting their status under INA §209(a) from paying the I-485 adjustment of status application fee. However, this does not alleviate the extraordinary burden that the proposed adjustment fees will impose upon asylees. Therefore, Lutheran Community Services recommends that USCIS reevaluate the fee structure, especially the extraordinary increase, and institute a fee policy which is consistent, reasonable and affordable for asylees applying for adjustment of status. Lutheran Community Service especially encourages USCIS to maintain an accessible and clear fee waiver policy, particularly for those populations, such as asylees or trafficking victims, who

receive public benefits by virtue of their status and/or are otherwise exempt from the public charge ground of inadmissibility. For example, since asylees are in similar compelling circumstances as refugees, they should receive the same automatic exemption from paying adjustment fees as refugees.

Under the proposed fee, in Section IX: Proposed Fee Adjustments, the cost for the N-400 naturalization application would increase from \$330 to \$595, which represents an increase of 80 percent. For a family of four to naturalize, they would have to have \$2,380 in hand (an extra \$1,060 over the current fee), solely for the application fee. Such an expense would create an unreasonably difficult economic hardship for individuals who are eligible for naturalization and want to strengthen our nation's life by participating more fully in it as citizens.

For a refugee or asylee who has fled their home country and sought freedom and protection in the United States, the ability to naturalize as a U.S. citizen is one of the most important steps that individual can make toward becoming full participants in American society. Naturalization is a key component of the integration process and the Bush administration has recognized this, saying that helping immigrants become U.S. citizens is a priority. Furthermore, Article 34 of the 1951 UN Convention Relating to the Status of Refugees, as adopted by the 1967 UN Protocol Relating to Status of Refugees, to which the United States is a party, mandates that states make every possible effort to facilitate the naturalization of refugees and reduce as far as possible the costs of such proceedings. Given that citizenship is optimal for both an individual applicant and the country as a whole, Lutheran Community Services is particularly troubled by the size and scope of the proposed fee increase for naturalization.

Lutheran Community Service of Southern New England recommends USCIS reconsider this extraordinarily large increase and adopt a fee policy that is more realistic with what individuals and families, who receive benefits by virtue of their status as refugees or asylees, may be able to afford when seeking to naturalize. This should also include an affordable flat fee or a fee cap for a family to naturalize.

In conclusion, Lutheran Community Services of Southern New England urges USCIS to reconsider the proposed fee increase's impact on refugees and asylees. We ask that USCIS work with members of Congress to help resolve the disparity in adjudication costs versus revenues collected. USCIS must create an alternative and permanent funding stream that will support its operations. Seeking appropriations from Congress that supplement what USCIS collects in fees is the only realistic way for USCIS to operate effectively without imposing undue hardship upon individuals seeking to access immigration benefits. It also helps to assure that vulnerable individuals are not marginalized but are integrated into U.S. communities, achieving a good outcome for the individuals and a common good for the greater community. Lutheran Community Services supports the efforts of USCIS in modernizing its infrastructure, reducing backlogs and adjudication times, and ensuring that all security background checks are completed accurately and efficiently. Nevertheless, we do not believe the expenses should not be passed off onto USCIS customers alone. Lutheran Community Services hopes that USCIS will work with immigrant communities and with Congress to develop a functioning, effective immigration system that will benefit our country.

Thank you for hearing our concerns.

Sincerely,



Jeanne Woodward
Service Line Director

Unaccompanied Refugee Minor Program
Lutheran Community Services of Southern New England