

**From:** mail.relay@mailmanager.net [mailto:mail.relay@mailmanager.net] **On Behalf Of** Deborah Kuiken  
**Sent:** Friday, March 02, 2007 6:05 PM  
**To:** USCIS Comments  
**Subject:** DHS Docket No. USCIS-2006-0044 - USCIS Fee Increase Comment

Deborah Kuiken  
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March 2, 2007

USCIS Comments

Dear USCIS Comments:

I am writing to you as an international student advisor in opposition to the February 1, 2007, proposed rule "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule." 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.

Many international students believe that the U.S. immigration system is set-up to discourage them from putting into practice the theory they learned in the classroom. Yet, the students navigate the multiple levels of bureaucracy and receive their employment authorization documents (EAD cards). At the University of Arizona alone, 451 international students received Optional Practical Training (OPT) during 2006. Multi-national companies based in the United States hired many of these students. With the near-doubling of the I-765 fee for international students to apply for OPT, companies will experience a severe economic impact resulting from a diminished pool of talented, multilingual international student workforce. The companies will lose employees that would have played key roles in development of international commerce and expansion of potential markets.

International student enrollment at the University of Arizona declined by 13% from 2000 to 2006. The State of Arizona Open Doors data reported a 3.9% decrease of international students in 2006. The USCIS fee increase has the potential to worsen an already dramatic international student enrollment loss for the State of Arizona. June 2006 data from the United States Citizenship and Immigration Service recorded 156 DHS certified schools in the state of Arizona for the Student and Exchange Visitor Information Program. These schools are part of the Arizona constituency negatively impacted by the proposed change.

Instead of encouraging international students to study in the United States, the proposed USCIS fee increase sends the opposite message by discouraging international students from coming to the United States.

Time and energy should be spent on developing a U.S. national strategy to recruit international students, instead of proposing USCIS fee increase. The foreign national population does not have a voice in decision-making and has been taken advantage of by this proposed increase.

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.

Sincerely,

Deborah Kuiken  
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