

From: Wayne Dapser [mailto:wdapser@earthlink.net]
Sent: Thursday, February 01, 2007 11:51 AM
To: OSComments
Subject: DHS Docket No. USCIS- 2006-0044 Immigration Fee Increases

I am writing to object to the significant increase in fees proposed for Immigration services.

One area that is particularly noticeable in my practice is the increase in fees for Family based immigration cases.

The basic package of an I-485, I-130, I-765 costs \$765 and if an Advance parole is needed the cost is \$935.
The increase would raise the fees to \$1,680 and \$1,985 respectively.

The argument has been made in the supporting documents that the increase would not be as large as it appears because there would not be a fee for subsequent EAD (I-7675) or Advance Parole (I-131) which a percentage of applicants must obtain due to the delays in processing.

In the Miami District where I practice the average time for processing is 6-8 months due to the tremendous effort of the staff in the past two years.

Therefore there is no additional EADs nor Advance Paroles necessary on the vast majority of cases. I estimate that only about 5 percent of my cases require follow-up documents. The increase is not only about \$105 mentioned as an increase in the supporting documents for the I-485 but the \$915 or \$1050 respective increase for the Family packet.

This is an onerous burden that will have an effect on decreasing the ability of applicants from applying .

In addition, it will mean that applicants will have to decide between having proper and trained legal assistance or resorting to low-cost 'notarios'. This will result in more problems with documentation, increased rejections and greater difficulty for the Immigration Service Staff in the adjudication process.

The cost for applicants cannot be measured only in cost of the fees, but also in the costs for the process, which includes the cost of the medical exams, obtaining documentation such as birth, marriage, divorce, police and court records and legal fees of counsel and staff to properly prepare and assist the applicants.

A rough estimate of the costs show that fees for Immigration have been about 20-25 percent of the cost of the service for obtaining an application. With the increase the cost for Immigration will be about 40 percent. For working families these increases are serious and will degrade the ability to have adequate

legal assistance, and reduce the ability to have efficient processing, as well as deter qualified applicants from applying, thereby increasing the undocumented population.

Another area of concern is the increase for the Motions to Re-open, I-290 from \$385 to \$585. A high percentage of the Motions to Re-open in the Family cases are based on Service error, for denials where the applicant failed to attend an Interview that was not notified or because documents that had been sent in were lost and not received by the Hearing Officer. In these cases, again there is the cost for legal services to properly prepare and file the Motion. These additional fees, especially in valid appeal cases, are already financially and personally upsetting and will make it more difficult to obtain benefits that they are entitled.

Finally, there is the issue of the purpose of the increase. The premise that the Immigration Service fees should be sustained by user fees is a concept that should be addressed by changing the requirement for the fees.

The benefits of immigration are economically significant to this country. The ability to apply for and obtain benefits should be an investment by the people of this country and through its leaders and Representatives. The fees should not be a burden to be borne by its newest participants but a shared investment in the future, in a sum for the applicants that involves them but does not overburden or deter them. The cost of the Service and its administration is repaid many times over in future taxes and participation in the economic life and political life of this country. Those who are currently undocumented repay the country in taxes in short order. Those who are adjusting status have a lifelong stake in the country that is paid for in taxes, investment and service.

The thrust of the Service should be to approach Congress to amend the legal directives to fund the system properly and not solely on the applicants through user fees.

I request that the fee increase be rescinded and Congress be requested to fund the system to a greater percentage.

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