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From: mail.relay@mailmanager.net [<mailto:mail.relay@mailmanager.net>] On
Behalf Of Cynthia Tasaki
Sent: Thursday, March 01, 2007 3:08 PM
To: USCIS Comments
Subject: DHS Docket No. USCIS-2006-0044 - USCIS Fee Increase Comment

Cynthia Tasaki
3721 Foxfield Lane
Fairfax, VA 22033-1302

March 1, 2007

USCIS Comments

Dear USCIS Comments:

I am writing to you as an international educator 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. I have worked with a few student athletes or students on government scholarships from poor countries that had delayed until the very last minute to apply for their international student work benefit, Optional Practical Training (I-765 based permit), because they could not

afford the fee even when it was \$120. Student athlete's scholarship money is limited by NCAA rules, which don't leave extras for things like work permits.

International students already bring financial benefit to the United States, and their post-completion employment is a benefit to U.S. Employers. Even with the current fee at \$180, I have a hard time explaining why it costs that much when it clearly takes less than an hour of the adjudicator's time to approve and the card is not unusually more expensive than a driver's license. It would be extremely unfair to significantly raise the fee for the Severe unforeseen economic necessity work permit, also an I-765, based form. With the proposed fee increase it would go from \$180 to \$340.

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:

Please consider making more money by charging diplomats for the same services that others use. It is not fair for our richest students not pay the fee for a change of status from A-2 or G-4 to F-1, while the poor

F-2 spouse of an F-1 student pays the whole fee for a change of status,

when it is unreasonable from the start not to let an F-2 study in a degree program.

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.

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.

Sincerely,

Cynthia Tasaki
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