

From: mail.relay@mailmanager.net [mailto:mail.relay@mailmanager.net] **On Behalf Of** Margaret Hellwarth
Sent: Monday, March 05, 2007 2:04 PM
To: USCIS Comments
Subject: DHS Docket No. USCIS-2006-0044 - USCIS Fee Increase Comment

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March 5, 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."

I work specifically with some of the poorest and most determined students and immigrants in the U.S.: community college students. F-1 international students tend to go to community college not because they are not qualified for university but because the out-of-state tuition they pay at universities like UNR is approximately \$12,000 per year, while fees at the community colleges like Truckee Meadows are approximately \$6000 - still a lot but half the price. F-1 students who receive an associates degree use practical training to better prepare themselves for university, both with skills and with the ability to save some money toward a very expensive education. The new proposed fee for practical training is so high, there are some students who will not have the cash available to apply for practical training, even if qualified. This is not good for the employers who hire F-1 graduates with associates degrees in child care centers, retirement homes, hotels, stores and many other places in Nevada. This is also not good for the student.

- The near-doubling of the I-765 fee for international students in F status to apply for work authorization for Optional Practical Training, from \$180 to \$340 will cause work experience for many students to be out-of-reach.

I also work with many immigrant students, who are struggling on a day-to-day basis because the education they received in their home country is either not applicable in the U.S. or it cannot be used until their English improves. At the usual pay for lower-educated or lower-English speaking workers in casinos in Nevada (where MANY new pending immigrants work), the new fees for applying to adjust status represent a total of what can amount to a MONTH'S SALARY. Some families would have to choose between adjusting status legally or eating.

- The huge increases in the fees required to adjust status to legal permanent resident (green-card status), are outrageous for this poor and hard-working group: the near-tripling of the I-485 application fee for permanent residence, from \$325 to \$905; and the increase from \$195 to \$475 (143 percent) in the I-140 immigrant petition for alien worker, or the I-130 petition for U.S. citizen relative. (The proposed increase in the I-485 fee is partly offset by the fact that it is accompanied by the elimination of additional filing fees for work authorization and for permission to re-enter after traveling abroad. However, the inclusion of those fees in the proposed new I-485 fee means that they would have to be paid even by those who do not expect to require the benefit.)

Finally, the new proposal to increase the fee for the Form N-400 to \$595 for those who wish to request U.S. citizenship is the most painful example of how America is not taking care of the people who wish to become full participants in the democratic system. I know of many immigrant students who are true patriots but they will never be able to afford to apply for citizenship if the fee is increased to \$595. That is out-of-range for working class families. U.S. citizenship should never be something the requires wealth to acquire.

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.

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.

As a concerned citizen, I hope my representatives in Nevada will get 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,

Margaret Hellwarth
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