

June 28, 2016

**NAFSA: Association of
International Educators**

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Samantha Deshommès
Acting Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20529-2020

Re: U.S. Citizenship and Immigration Services Fee Schedule Revisions;
DHS Docket No. USCIS-2016-0001.

Dear Ms. Deshommès,

I write on behalf of NAFSA: Association of International Educators in opposition to the proposed rule to increase U.S. Citizenship and Immigration Services (USCIS) filing fees published at 8 CFR Parts 103 and 204: U.S. Citizenship and Immigration Services Fee Schedule. NAFSA is the world's largest association of international education professionals with over 10,000 members nationwide and around the world. International students and scholars, along with the U.S. colleges and universities that educate and employ them, file tens of thousands of petitions and applications with USCIS annually.

NAFSA understands that USCIS is almost exclusively fee funded and is authorized by law to recover the full cost of services through fee payments. Therein lies the problem. USCIS is compelled to increase fees because Congress is unwilling to appropriate funds for USCIS. However, this proposed fee schedule dramatically demonstrates that the United States has passed the point where it can afford to fund its immigration system. This construct is misguided as it does not reflect our nation's values or needs, negatively impacts immigrants who are required to pay higher and higher fees to obtain services and benefits they are eligible to receive, and hampers USCIS' ability to innovate and increase efficiencies.

Fee Funding Does Not Reflect Our Nation's Values or Needs

The United States is a nation of immigrants that is continually renewed by and benefits from immigrants. We value community engagement by all who live in the United States, and welcome those who wish to become U.S. citizens. As for international students and scholars, both the President and the Secretary of Homeland Security have expressed clearly and often the high value that the United States places on attracting them to this country. Yet at the regulatory level, we too

often place unnecessary barriers and disincentives in their way. This proposed rule is another step in the wrong direction. 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. At a time when competitor nations are focused on attracting and retaining international students and scholars, we cannot afford to price these benefits out of reach for those who want to come here to study, teach, and contribute to our communities and economy.

Furthermore, there are several categories of immigrants who are exempt from fees such as asylees, refugees, and others. These exemptions are entirely appropriate and we fully support them. However, the cost of covering these exemptions is added to the fees paid by other immigrants, increasing their fees. As these exemptions exist as a matter of public policy and reflect our values, appropriated funds should be allocated to pay for them, and not by increasing fees on other immigrants to obtain the services and benefits they are eligible to receive.

Fee Funding Hampers USCIS' Ability to Innovate and Increase Efficiencies

Fee funding ties the agency to current procedures, hampering its ability to innovate and increase efficiencies. Immigrants, as noncitizens, are unable to prod the government to improve their services. Pressure from Congress and their constituents to justify spending and improve outcomes on investment serves to induce agencies to improve and innovate.

NAFSA supports appropriate funding to achieve timely adjudications and the elimination of persistent backlogs. However, what we do not support is the continued increase in fees without measurable improvements in services to applicants. It is important to note that previous fee increases have not been accompanied by an increase in timeliness or accuracy of services. In reality, as fees have increased, service has declined. More money alone is not the answer to the persistent backlogs and the unacceptably longer and longer processing times.

USCIS currently struggles under the weight of a paper-based system for processing benefit applications and petitions. Expanding the use of electronic filing would greatly benefit USCIS and immigrants. This, along with further integration of databases, would provide efficiencies that would streamline and improve processing considerably. For example, one area where the agency could make great strides to improve service while saving time and money is in adjudicating applications and petitions filed by international students and exchange visitors who are already tracked in the Student and Exchange Visitor Information System (SEVIS), managed by Immigration and Customs Enforcement (ICE). These foreign nationals are highly monitored and tracked from before they enter the United States until their departure. SEVIS contains information on each person, including date of entry to the United States, the school or program of participation, home address, course of study, and much more.

Leveraging information already in SEVIS would provide USCIS with a continuous history of the international student or scholar's activities while in the United States, allowing DHS to maximize resources while providing enhanced service to those applying for an immigration benefit. It would also enhance security because it would allow quick identification of any anomalies in status. With an appropriate allocation of resources, USCIS should be able to access information in SEVIS when an international student or exchange visitor files an application or petitions with USCIS. Access to a SEVIS

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record opens a window onto all the activity of an immigrant while in student status. Filings for these individuals should be streamlined because of the vast amount of information readily available within this ICE database system.

Ultimately, increasing application fees is not the answer to the ongoing challenges USCIS faces in meeting the needs of those who seek immigration benefits in the 21st century. USCIS must innovate and employ new processes; by relying on fees, there is no external oversight and no incentive to innovate. Further, excessive fees act as disincentives for students, scholars, and others to come to our country and remain here and receive the benefits and services they need to become full participating members of our communities. Therefore, NAFSA in addition to submitting this comment, NAFSA will continue to urge Congress to appropriate funds for USCIS operations to eliminate the need to increase filing fees.

Thank you for the opportunity to comment.

Sincerely,

Marlene M. Johnson
Executive Director and CEO