

Via email

November 12, 2019

Kenneth Cuccinelli, Acting Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W.
Washington, D.C. 20529

Paul Ray, Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, NW
Washington, D.C. 20503

**RE: Request for 60-Day Comment Period for USCIS Proposed Fee Schedule:
DHS Docket USCIS-2019-0010; RIN 1615-AC18**

Dear Acting Director Cuccinelli and Acting Administrator Ray:

We, the undersigned organizations, write to respectfully request that USCIS not limit but ensure a standard 60-day review period in connection with USCIS' proposal to adjust certain immigration and naturalization benefit request fees and the associated regulatory changes.

On November 8, 2019, the U.S. Citizenship and Immigration Services posted for public inspection its biennial fee review and fee adjustment schedule in the Federal Register. The pre-publication notice at page 2 indicated the public would be given only 30 days for comment. We are writing to respectfully request an extension of the comment period in view of the wide scope of this 300+ page rule and in keeping with past USCIS practices that provided the public a 60-day period to review and comment.

Executive Order 12866 states that agencies should allow "not less than 60 days" for public comment in most cases, in order to "afford the public a meaningful opportunity to comment on any proposed regulation." Executive Order 13563 states that "[t]o the extent feasible and permitted by law, each agency shall afford the public a meaningful opportunity to comment through the Internet on any proposed regulation, with a comment period that should generally be at least 60 days."

Considering the complexity of the rule, its policy implications above and beyond fee changes, and the serious consequences of the changes proposed, the undersigned do not see a justification for deviating from the 60-day standard for comment periods, as designated in EO 12866 and EO 13563.

In its proposed rule, USCIS provides no justification whatsoever for deviating from these executive orders. A comparison with prior comparable proposed fee rules shows what a dramatic and unprecedented departure from past practice it would be for USCIS to persist with a 30-day public comment period in this instance:

- 2007 proposed fee rule: approx. 25,500 words (60 days for public comments)
- 2016 proposed fee rule: approx. 38,300 words (60 days for public comments)
- 2019 proposed fee rule: approx. 90,900 words (30 days for public comments)

In other words, USCIS is currently requiring that the public thoroughly analyze and provide comments on a rule that is over 3.5 times longer than a comparable prior proposed rule, in only half the time.

We request this extension of the comment period in order to allow our organizations and the public adequate time to review the proposed regulatory and policy changes and provide meaningful feedback. A 60-day comment period would allow more organizations and affected groups to carefully examine the changes and weigh-in, in turn providing USCIS with more meaningful information to better address and consider the scope of related issues, assess unintended consequences, and prevent potential waste of resources.

Given the nature of the proposals and populations involved, we believe that these unique and expansive changes warrant additional time for review and comment. We thank you for your consideration of our request. Please contact Jill Marie Bussey at jbussey@cliniclegal.org or Rosalind Gold at rgold@naleo.org for any questions or concerns.

Sincerely,

¡HICA! Hispanic Interest Coalition of Alabama

A New Start

African Communities Together

American Immigration Lawyers Association

Arizona Latino Legislative Caucus

Arkansas Immigrant Defense

Arkansas United

ARYSE

Asian American Federation of Florida

Asian Americans Advancing Justice - Atlanta

Asian Americans Advancing Justice - Los Angeles

Asian Americans Advancing Justice | AAJC

Asian Counseling and Referral Service

Asian Pacific American Labor Alliance, AFL-CIO

Asian Pacific Institute on Gender-Based Violence

ASISTA

Bhutanese Community Association of Pittsburgh

Bonding Against Adversity

Boulder Valley Unitarian Universalist Immigration Justice Task Force

Boundless Immigration Inc.

California Partnership to End Domestic Violence

Campesinos Sin Fronteras

Canal Alliance

Canopy NWA

Casa San Jose

Catholic Charities East Bay

Catholic Charities Maine Refugee & Immigration Services

Catholic Charities of East Tennessee

Catholic Charities of the Archdiocese of Washington

Catholic Charities of the Diocese of Stockton

Catholic Legal Immigration Network, Inc.

Catholic Migration Services

Center for Gender & Refugee Studies
Center for Immigrant Advancement, Inc
Center for Law and Social Policy (CLASP)
Center for Pan Asian Community Services, Inc.
Center for Public Policy Priorities
Central American Resource Center of California (CARECEN Los Angeles)
Central American Resource Center of Northern California (CARECEN)
Central Valley Immigrant Integration Collaborative (CVIIC)
Centro Romero
Chaldean Community Foundation
Chicanos Por La Causa
Chinese Information and Service Center
Church World Service
Citizenship News
Coalition for Humane Immigrant Rights - CHIRLA
Colorado Immigrant Rights Coalition (CIRC)
Comunidades Unidas
Conexión Américas
District 1199C Training & Upgrading Fund
Dsi International Inc
Education and Leadership Foundation
Employee Rights Center
End Domestic Abuse Wisconsin
Entre Hermanos
Equality California
Erie Neighborhood House
Esperanza Legal Assistance Center / Immigrant Connection Heritage Church
Families Belong Together

Feeding Texas

Florida Asian Services

Florida Chinese Federation

Freedom for Immigrants

Freedom Network USA

Friendly House Inc

Gateway Community Services Maine

Global Cleveland

GMHC

Greater Portland Immigrant Welcome Center

HANA Center

Her Justice

Heritage Network

HIAS Pennsylvania

Hispanic American Community Education & Services

Hmong American Women's Association

Illinois Coalition Against Domestic Violence

Illinois Coalition for Immigrant and Refugee Rights

Immigrant Legal Advocacy Project

Immigrant Legal Resource Center

Immigration Advocates Network

Immigration Center for Women and Children

Immigration Institute of the Bay Area

Indian Horizon of Florida

Interfaith Refugee and Immigration Service, Los Angeles

Iowa Coalition Against Domestic Violence

Kentucky Refugee Ministries

Kids in Need of Defense (KIND)

Korean Community Center of the East Bay

Lambda Legal

Latin American Coalition

LatinoJustice PRLDEF

League of United Latin American Citizens (LULAC)

Long Beach Immigrant Rights Coalition

Maine Immigrants Rights Coalition

Maine Intercultural Communication Consultants

Make the Road New Jersey

Maria Medrano

Mayor Muriel Bowser (District of Columbia, DC)

Mi Familia Vota

Mi Familia Vota Education Fund

Miami-Dade County Asian American Advisory Board

Michigan United

MIRC

Mixteca Organization, Inc.

NAACP

NANAY CEDC

National Association of Latino Elected and Appointed Officials (NALEO)
Educational Fund

National Association of Social Workers - Texas Chapter

National Immigrant Justice Center

National Immigration Forum

National Immigration Law Center

National Korean American Service & Education Consortium (NAKASEC)

National Partnership for New Americans

Naturalize Charlotte

New York Immigration Coalition

New York Legal Assistance Group (NYLAG)
Nigerians in Diaspora Organization Americas, Florida Chapter
Northwest Side Housing Center
Oasis Legal Services
OCA South Florida Chapter
OCA-Greater Houston
OCCORD (Orange County Communities Organized for Responsible Development)
OneAmerica
Pennsylvania Immigration and Citizenship Coalition
Presidents' Alliance on Higher Education and Immigration
Pro Bono Net
Proteus Inc.
Proyecto Inmigrante ICS, INC.
RAICES
San Joaquin College of Law- New American Legal Clinic
SEAMAAC
Self Help for the Elderly
Service Employees International Union
Services, Immigrant Rights & Education Network (SIREN)
Somali Community Center of Maine
Somali Family Safety Task Force
South Asian Network (SAN)
Sull and Associates, PLLC
Sylvester Turner, Mayor of Houston, Texas
Tennessee Immigrant and Refugee Rights Coalition
TheLegalClinic Hawaii
UnidosUS
UNITE HERE

United African Organization

United We Dream

Villa Comunitaria

Virginia Coalition for Immigrant Rights

Voces de la Frontera

We Are All America/Central Arizonans for Sustainable Economy

Welcoming the Stranger

West African Community Council

Winp LLC

World Relief



**U.S. Citizenship
and Immigration
Services**

November 15, 2019

Ms. Jill Marie Bussey
Advocacy Director
Catholic Legal Immigration Network, Inc.
8757 Georgia Avenue, Suite 850
Silver Spring, MD 20910

Dear Director Bussey:

Thank you for your November 12, 2019 letter related to the U.S. Citizenship and Immigration Services (USCIS) proposed fee schedule. In your letter, you requested an extension of the comment period for USCIS' proposal to adjust certain immigration and naturalization benefit request fees and the associated regulatory changes.

In accordance with the requirements and principles of the Chief Financial Officers Act of 1990 and Office of Management and Budget Circular A-25, USCIS conducts biennial reviews of the non-statutory fees that are associated with administering the nation's legal immigration system.

USCIS conducted a comprehensive biennial fee review and determined that current fees do not recover the full costs of providing adjudication and naturalization services. Adjustments to the fee schedule are necessary to recover the full operating costs associated with administering the nation's immigration benefits system, safeguarding its integrity, and efficiently and fairly adjudicating immigration benefit requests, while protecting Americans, securing the homeland, and honoring our country's values.

The USCIS proposed fee schedule provides an opportunity for the public to comment, consistent with the requirements in existing law. The fee schedule went on public inspection on Friday, November 8, 2019, but was not published in the Federal Register until Thursday, November 14. That means the public received an additional six days, on top of the 30 days provided, to review the fee schedule and prepare comments in response.

Ms. Jill Marie Bussey

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The financial situation at USCIS is dire; every day that the fee rule is not in effect, USCIS loses \$4.5 million per business day. Therefore, I have no intention to grant an extension of the comment period beyond the 30 days required by law.

USCIS will review and consider all public comments related to the rule. Thank you again for your letter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ken Cuccinelli II". The signature is stylized with a large "K" and "C", and the name "Cuccinelli II" is written in a cursive script.

Ken Cuccinelli II
Acting Director