

Samantha Deshommnes, Chief
Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Mailstop #2140
Washington, DC 20529-2140

December 23, 2019

Re: Docket No. USCIS-2019-0010

Dear Chief Deshommnes,

The American Council on Education (ACE) and the undersigned higher education associations submit these comments in response to Docket Number: USCIS-2019-0010 regarding the proposed increase to certain immigration and naturalization benefit request fees.

We support efforts to ensure USCIS is adequately resourced to permit timely processing of requests. However, we believe the proposed fees are excessive, burdensome, and will adversely impact students, faculty, and institutions of higher education. Specifically, we have concerns over the extension of premium processing; the new fee associated with the renewal for Deferred Action for Childhood Arrivals (DACA); the 20 percent increase for the I-765 application for employment authorization for our students applying for optional practical training (OPT); and the transfer of funds from the Immigrations Examinations Fee Account (IEFA) to U.S. Immigration and Customs Enforcement (ICE).

U.S. colleges and universities are part of a worldwide network of learning, research, and education. Our institutions enroll millions of students from all over the world in undergraduate, graduate, and professional degree programs. Many of these students and scholars have gone on to invent groundbreaking technology, start thriving businesses, and create jobs. The over one million international students that currently attend U.S. colleges and universities add to the United States' intellectual and cultural vibrancy, while also yielding an estimate economic impact of \$41 billion and support for over 450,000 U.S. jobs.¹

These proposed fees, along with a broader shift in tone and visa-related policies proposed by the Administration, reinforce a troubling message that we no longer welcome members of the international community who wish to study at American campuses. The significant increases and new fees proposed will undoubtedly hinder American higher education's mission of global engagement, which would have a far-reaching, unintended adverse impact our institutions and

¹ <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2>

America. We must remain a welcoming country to international students, scholars, scientists, and researchers who enrich our campuses and the country with their talents and skills.

We are concerned that the new and increased fees proposed by DHS will exacerbate a downward trend in international student enrollment at our colleges and universities. The most recent *Open Doors* report² found that new international enrollment in the 2018/19 academic year fell by 1.5 percent for undergraduate students, and overall international enrollment has slowed with an increase of only 0.05 percent. Notably, the 0.05 percent increase was due to the increased number of students participating in the OPT program, which grew by 9.6 percent.

As proposed, these significant and seemingly arbitrary fee increases could impact our ability to attract and retain international students and scholars. This is especially concerning given that under the proposed rule, the length for premium processing will extend from 15 days to 15 business days. More and more of our institutions, as well as our international scholars and faculty, are depending on premium processing given the delays we have seen with normal processing times.

We are also very concerned about the creation of a new fee for renewal of Deferred Action for Childhood Arrivals for \$275, when previously there was no fee for the renewal of DACA status. There is also an increase to the employment authorization by \$80, thereby increasing the total amount for a DACA renewal from \$495 to \$765, a 55 percent increase for a person seeking DACA renewal. Despite the uncertainty faced by DACA enrollees as the program is being considered by the Supreme Court, many DACA participants are working to renew their current DACA status. This increase is especially troubling as DACA recipients face an uncertain future and wait for the courts and Congress to address the program. We have seen these remarkable people up close on our campuses as our students, colleagues, and friends. If we are unable to provide opportunities for these individuals to fully contribute to our nation, we will be shutting the door to an entire generation of individuals who seek to contribute their best to America.

In addition, the I-765 Application for Employment Authorization fee would be increased by 20 percent to \$490. This summer, we saw processing times of I-765 forms for OPT jump from a standard three months to over five months. As you know, international students cannot apply for employment authorization until they are three months from the start date of their job. Given the wait time of over five months, employers had to wait an additional two months or more for students to join their programs. This resulted in international students delaying employment offers or giving up and returning to their home countries without completing OPT, effectively undermining the program. The proposed rule also includes an increased fee for I-539 Applications to Extend/Change Nonimmigrant Status (8 percent increase) and makes changes to and increases the fee for I-129 Petitions for Nonimmigrant Worker for H-1Bs, two forms used by our highly skilled workers. As we have seen a marked slowdown of H-1B processing, we are concerned that the changes to the I-129 form will exacerbate the stress on this system but do nothing to address the backlog and increased processing delays.

Finally, we are concerned with the stated plan to transfer \$207.6 million of USCIS funds to ICE. The purpose of USCIS is to provide immigration adjudication and naturalization services,

² <https://www.iie.org/Research-and-Insights/Open-Doors/Data/International-Students>

not enforcement. We believe enforcement should be funded through the annual appropriations process to ICE, rather than a transfer from USCIS. Given the current backlog of cases that USCIS has yet to adjudicate, we urge that any increase in fees be used to adequately address existing cases and the current slowdowns.

Overall this proposal is a 21 percent increase in fees, without any evidence that the additional revenue generated will be used to reverse the ongoing slowdown in processing at DHS. American higher education's mission of global engagement cannot be achieved if our immigration and visa policies no longer send a welcoming message to students and scholars from around the world. We are eager to work with you to help sustain efforts to protect our national security while simultaneously ensuring that our institutions of higher education continue to be the destinations of choice for the world's most talented students and scholars.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Mitchell". The signature is written in a cursive, slightly slanted style.

Ted Mitchell, President

On behalf of:

American Association of Community Colleges
American Association of State Colleges and Universities
American Council on Education
Association of American Medical Colleges
Association of American Universities
Association of Public and Land-grant Universities
NAFSA: Association of International Educators
National Association of Independent Colleges and Universities