

March 2, 2023

Carol Cribbs
Deputy Chief Financial Officer
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other
Immigration Benefit Request Requirements: Notice of Proposed Rulemaking
Department of Homeland Security Docket No. USCIS 2021-0010

Dear Deputy Chief Financial Officer Cribbs:

The Lancaster Chamber recognizes the efforts made by USCIS to reduce backlogs and streamline procedures to better serve the public and understands the need for USCIS to have additional monetary resources to carry out this effort. We also understand that the agency experienced a funding shortfall during the Covid-19 pandemic and has not increased fees since 2016. While these factors have contributed broadly to processing and transparency challenges within the agency, our members remain concerned that longstanding systemic inefficiencies remain unaddressed, representing significant barriers to immigration benefits for our employees and unnecessary economic losses for our region's employers, including:

- Significant delays in processing;
- Lack of case transparency and customer service;
- Excessive and unnecessary Requests for Evidence and improper denials;
- Inability to leverage electronic filing.

However, raising fees without further addressing structural inefficiencies only serves to institutionalize those inefficiencies and subsidize ineffective bureaucratic processes.

Fee Increases:

The Lancaster Chamber is gravely concerned about the proposed steep increase in fees, across the board, as it will be particularly harmful to small businesses throughout our region and specifically to those in agriculture. These fee increases are based on the false assumption that all businesses have deep pockets, when many businesses are still recovering from the harsh economic impacts of the COVID-19 pandemic. Small businesses should be able to be on equal footing to sponsor foreign national talent and compete against bigger businesses.

In particular, fees associated with the H-1B Visa, which many small businesses use, are a major concern. The registration fee does not pay for the case to be adjudicated, making it nothing more than a very expensive lottery ticket. The \$215 registration fee is contrary to the goal of the prior H-1B registration rule, which was to save resources for both the agency and the public. Specifically, based on last year's results, 83% of entrants will get no adjudication of their \$215 entry fee.

Furthermore, the business community would like to better understand the justification for the \$129 component of the H-1B fee allocated to Management & Oversight. The \$129 fee is only slightly less than major substantive processes such as I-129 (\$147) and N-400 (\$150) despite this being an automated, computer-generated selection with no adjudication involved.

And for agriculture, increases to the H-2A visa applies additional burdens to the agriculture community, much of which is made up of smaller farm operations in our community who rely on temporary agricultural workers.

Need to Address Inefficiencies:

One aspect of USCIS's services that should be addressed for inefficiencies is the adjudication process. Developing mechanisms to streamline its adjudications would help to keep costs low. USCIS should automate what they can, eliminate redundancy in the adjudication process, and ensure efficiency in adjudication so that adjudicators are not sending redundant requests for items that are already included or not required to meet the legal standard of proof.

In general, businesses who are being asked to bear the largest burden in the rule proposal perceive USCIS as an agency suffering from unprecedented processing backlogs and overwhelming systemic inefficiencies. To ask these same stakeholders to incur significant additional costs without any commitment to address either of these issues will disincentivize businesses, entrepreneurs (and other job creators), critically needed foreign workers, and families from choosing the U.S.

We thank you for the opportunity to comment on these proposed fee rules and look forward to a resolution of our concerns.

Sincerely,

Heather Valudes
President & CEO
Lancaster Chamber

Approved by Advocacy Committee on 3.2.2023
Submitted on 3.2.2023