



October 21, 2010

# Executive Summary

## Quarterly Stakeholder Meeting with Director Mayorkas

### Background

On September 23, 2010, Director Mayorkas hosted a quarterly meeting with stakeholders. Director Mayorkas spoke on a number of issues including the final fee rule, updates on the newly created Fee Waiver Form (Form I-912, Request for an Individual Fee Waiver), the Policy Review, and our initiative to combat the unauthorized practice of immigration law.

### Principal Themes

- **Final Fee Rule**

The final fee rule was posted for public inspection by the Office of the Federal Register on September 23, 2010, and published in the Federal Register on September 24, 2010, with an effective date of November 23, 2010. USCIS received and considered 225 comments which, though modest compared to the previous fee rule in 2007, yielded some changes. The final rule will increase overall fees by about 10 percent with no increase for naturalization applications. The rule establishes three new fees: regional center designation under the Immigrant Investor Pilot Program (EB-5), civil surgeon designation, and immigrant visa processing fee. The final rule also reduces fees for six individual applications and petitions. The chart below reflects these reduced fees:

Form Number	Benefit Type	Old Fee	New Fee
Form I-129F	Petition for Alien Fiancé	\$455	\$340
Form I-539	Application to Extend/Change Nonimmigrant Status	\$300	\$290
Form I-698	Application to Adjust Status from Temporary to Permanent Resident	\$1,370	\$1,020
Form I-817	Application for Family Unity Benefits	\$440	\$435
Form N-565	Application for Replacement Naturalization/Citizenship Document	\$380	\$345

The final fee rule also expands the availability of fee waivers to certain applicants and petitioners, including those individuals seeking humanitarian parole with an Application for Travel Document (Form I-131); individuals with any benefit request under the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008; and individuals filing a Notice of Appeal or Motion (Form I-

290B) following a denial of any application or petition that did not initially require a fee or where the initial filing fee could have been waived.

- **Fee Waiver Form**

USCIS proposed a standardized fee waiver form in order to provide relief for financially disadvantaged individuals seeking immigration benefits. The fee waiver form, which is a product of collaboration with the public, was published in the Federal Register for a 60-day public comment period. The public comment period closed on September 13, 2010 and 30 comments were received. USCIS has considered these comments and has made some revisions to the form and instructions. A [30-day notice for Form I-912, Request for Fee Waiver](#), was published in the Federal Register on October 5, 2010 and it is also currently under review at the Office of Management and Budget (OMB). Once OMB approves its use, USCIS officers will be trained on how to adjudicate the form.

- **Policy Review**

The Policy Review is a comprehensive effort to review all USCIS adjudication and customer service policies with the participation of both our internal and external stakeholders. The goal of the Policy Review is to ensure that USCIS produces fair, consistent, and prompt decisions. USCIS invited our workforce and the public to complete a survey to identify their priorities for the Policy Review. USCIS received nearly 5600 responses which were considered along with our operational and programmatic needs. The top issues identified are:

1. National Customer Service Center
2. Nonimmigrant H-1B (specialty occupations)
3. Naturalization
4. Employment-Based Adjustment of Status
5. Family-Based Adjustment of Status
6. Employment-Based Immigrants Preference Categories 1 & 2
7. Refugee and Asylum Adjustment of Status
8. Form I-601 (Application for Waiver of Ground of Inadmissibility)
9. General Humanitarian Programs
10. Employment Authorization and Travel Documents

USCIS is beginning to convene working groups comprised of subject-matter experts from across the Agency to review policies in each identified issue area. These working groups will seek continued feedback from internal and external stakeholders throughout the review of each subject area. Director Mayorkas stressed that USCIS will engage the public and seek feedback as appropriate, whether through stakeholder listening sessions and teleconferences, posting of draft memoranda for comment or other means.

- **Unauthorized Practice of Immigration Law (UPIL)**

Director Mayorkas spoke of USCIS' commitment to combat the unauthorized practice of immigration law. USCIS has sought input from stakeholders and federal government partners to develop a strategic plan to fight UPIL and protect the best interests of the immigrant communities that we serve. The plan will focus on three main pillars: public education, capacity building, and prevention.

The public education campaign will focus on raising awareness among the immigrant community of the scope and impact of this problem and available resources. The capacity building portion of this initiative will seek to increase the number of Board of Immigration Appeals recognized organizations and

accredited representatives, particularly in underserved areas. Through the prevention piece of this initiative, USCIS will seek to ensure that individuals know how to report having been a victim of UPIL, and will provide support to law enforcement and civil investigatory agencies in prosecuting unauthorized practitioners and obtaining remedies for victims.

As the first step in this initiative, USCIS will host engagement sessions in six pilot cities, to bring together state and local government representatives and other stakeholders with an interest in this issue, to share information and resources that will help to inform and expand this initiative moving forward. Director Mayorkas acknowledged that different strategies may be needed in different locations. We will be working with these communities to determine the best way to communicate on this issue.

- **Partnership with Our Stakeholders**

Director Mayorkas noted that the past year, FY 2010, laid the groundwork for a more robust partnership with our stakeholders in FY 2011. USCIS has developed lines of communication with the agency that enable us to tackle our mutual goals in a collaborative manner. One way that we have opened up the lines of communication with our stakeholders is through the posting of draft memoranda and interim guidance for public comment. USCIS has received some suggestions from stakeholders asking that we extend the comment period timeframe to allow for the engagement to be more meaningful. USCIS must balance the competing considerations of allowing ample time for stakeholders to provide comments against the necessity for the agency to be responsive to the needs of the adjudicators in the field. Director Mayorkas acknowledged that there may be instances where a long comment period is warranted due to the complexity of the subject matter and we will take this into consideration going forward.

Director Mayorkas also stated that he does not want there to be any distance between the field offices and the communities we serve. USCIS will be hosting Open Houses across the country in an effort to bring communities into our field offices and service centers to learn more about our staff and our programs. A schedule of the upcoming Open Houses can be found at: [2010 USCIS Open Houses](#).

## **Additional Resources**

Additional information on the proposed rule is available from the following resources:

- [www.regulations.gov](http://www.regulations.gov)
- [USCIS News Release](#)
- [Final Fee Rule Questions and Answers](#)
- [Final Fee Rule Fact Sheet](#)