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Title: Resolution denouncing the exorbitant increases in fees for immigration and naturalization benefit applications and petitions proposed by the United States Citizenship and Immigration Services.

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Res. No. 866

Resolution denouncing the exorbitant increases in fees for immigration and naturalization benefit applications and petitions proposed by the United States Citizenship and Immigration Services.

By Council Members Brewer, Foster, James, Koppell, Liu, Reyna, Weprin, Mark-Viverito and Gerson

Whereas, The service and benefit functions of the former United States Immigration and Naturalization Service (“INS”) transitioned into the United States Department of Homeland Security as the United States Citizenship and Immigration Services (“USCIS”) on March 1, 2003; and

Whereas, USCIS is responsible for the administration of immigration and naturalization adjudication functions and establishing immigration services policies and priorities; these functions include the adjudication of immigrant visa and naturalization petitions, as well as asylum and refugee applications, and all other immigration services previously performed by the INS; and

Whereas, The former INS transformed into a fee-based agency in 1988, and consequently, USCIS

continues to be a fee-based agency that uses revenue from application fees rather than appropriated funds to finance the administration of the nation's immigration laws, the processing of applications, and the necessary infrastructure to support these activities; and

Whereas, According to the 2005 American Community Survey administered by the United States Census Bureau, over 20 million foreign-born Americans are not United States citizens; in New York City, more than 1.4 million New Yorkers are not United States citizens, a number that comprises nearly half of the City's foreign-born population; and

Whereas, On January 31, 2007, USCIS proposed a new fee structure for immigration and naturalization benefit applications and petitions, which included an average increase of 86 percent for application and petition fees; because the proposed fee structure no longer requires applicants for adjustment of status to pay a fee to apply for interim benefits, the average increase in actual costs to applicants and petitioners will be 66 percent; and

Whereas, Though the actual average increase in fees for application and petitions for immigration and naturalization benefits is 66 percent, the proposed fees for some of the most common applications and petitions are drastically higher than the current costs; under the proposal, an application to adjust status from temporary to permanent resident would cost \$1,370, which is a staggering 661 percent increase from the present fee of \$180; the application fee to register permanent residence would soar to \$905, which is nearly triple the current fee of \$325; the proposed fee increases to file an application for status as a temporary resident and to file a notice of appeal of decision exceed \$400, which would result in costs of \$710 and \$545 respectively; the fee to request a hearing on a decision in naturalization procedures would rise to \$605, a proposed 128 percent increase from the present fee of \$265; fees for several applications and petitions would increase by more than \$250, including a petition for a prospective spouse, an immigrant petition for a worker, and an application for naturalization, which would respectively increase to \$455, \$475, and \$595; and

Whereas, Fees for other common applications and petitions would increase substantially by \$100 or

more according to this proposal; currently, an application to replace a permanent resident card costs \$190, but would increase to \$290; the existing fee to petition for a relative is \$190, but would rise to \$355; the annual fee to renew a temporary work permit is presently set at \$180, but would increase to \$340; and

Whereas, Emilio Gonzalez, Director of USCIS, stated that 99 percent of the agency's annual budget depends on revenue from application fees for immigration and naturalization services, and the current fee schedule does not adequately cover the costs of providing these services, an assertion that was also supported by a 2004 report by the United States Government Accountability Office; Gonzalez further stated that the proposed restructuring of the fee schedule would "recover the costs necessary to administer an efficient and secure immigration system that ultimately improves service delivery, prevents future backlogs, closes security gaps, and furthers [the agency's] modernization efforts"; and

Whereas, The considerable increases under the proposed fee schedule will present significant barriers for thousands of immigrant workers and families, or ultimately make United States citizenship or permanent residency an unattainable objective, and could deter immigrants from seeking legal status; the fee proposal is especially prohibitive for families that have several members seeking citizenship or permanent residency; many applicants for immigration and naturalization benefits also incur costs for legal and interpretation services to process their documents; it is also questionable whether or not the proposed fee increases will lead to improvements in USCIS service delivery; and

Whereas, It is expected that the proposed fee schedule will be fully implemented by the summer of 2007, which will affect nearly 5 million people who apply for immigration and naturalization services with USCIS each year; and

Whereas, While the United States is a nation of immigrants, the drastic fee increases will price the American dream out of reach for scores of immigrants who desire to be citizens of this country; now, therefore, be it

Resolved, That the Council of the City of New York denounces the exorbitant increases in fees for

immigration and naturalization benefit applications and petitions proposed by the United States Citizenship and Immigration Services.

JPV

LS# 2689

5/21/07