



Samantha Deshommes  
Chief, Regulatory Coordination Division  
USCIS Office of Policy and Strategy  
Department of Homeland Security  
20 Massachusetts Avenue NW  
Mailstop #2140  
Washington, DC 20529-2140

Re: Comments on DHS Docket No. USCIS -2019-0010

Dear Ms. Deshommes:

Once again, we would like to highlight our opposition to the procedure USCIS has run to request for public comments on this fee rule changes. Indeed, the notice-and-comment process for this proposed rule has been unacceptably chaotic, and created a lot of confusion on the public, as the following facts prove:

On November 14, 2019 DHS first published proposed rule and form changes, providing 30 days for public comment on the proposed rule (deadline: Dec. 16, 2019) and 60 days for public comment on the proposed forms (deadline: Jan. 16, 2020).

On November 18, 2019 DHS finished posting all of its proposed forms in the online regulatory docket. USCIS has not re-started the comment period at that time, as the fact of providing new crucial evidence and documents to be reviewed would have required.

On November 22, 2019 DHS removed its originally posted economic analysis from the regulatory docket and replaces it with a new economic analysis, without informing the public via any Federal Register notice. Inevitably, an uncountable number of public commenters analyzed the old economic analysis without realizing that it was obsolete. Moreover, as the basis of the new proposed fees is the economic analysis, due to the publication of a different economic analysis, USCIS should have re-started the comment period on 01/22/2019. If this practice is accepted by USCIS in this case, then what would be the limit for USCIS to use it as a regular strategy to confuse the public, by posting and the re-posting during



the review period many different versions of a published document. This does not look like as a transparent method to produce public policy.

On December 9, 2019 DHS published supplemental information, including an entirely different set of budget assumptions, and extends time for public comment on the proposed rule (deadline: Dec. 30, 2019) and reducing time for public comment on the proposed forms (deadline: Dec. 30, 2019). USCIS should have granted the public a full 60-days period –or at least a 30-days period- starting on this date to submit comments on the supplemental information. But the comment period was not re-launched, limiting the ability of stakeholders to analyze and submit comments on this new set of data.

On January 24, 2020, even though the comment period was already closed, DHS reopened the public comment period for the proposed rule and proposed form for an additional 17 days (deadline: Feb. 10, 2020). This new period got by surprised stakeholders and the general public, making impossible for most of them to re-start the analysis process of the entire documentation submitted for review.

On February 3, 2020 USCIS hosted its first (to our knowledge) demonstration of its cost-modeling software, as promised in the original proposed rule. This meeting did not happen during the first 30 days comment period, not even during the 15 additional days granted in 2019. It happened during the new 15 days extension period. Some organizations were able to attend to Washington, DC for this demonstration, but due to the short notice and the need for planning travel and hotel accommodations, most of the interested stakeholders were not able to attend the meeting at the USCIS Washington DC office (20 Massachusetts Ave., NW, Washington, D.C. 20529-2090.) Indeed, this demonstration failed to provide a phone line and online capability access so the interested public around the US could have accessed to the information that was shared on the demonstration. Thus, the ability for those stakeholders to provide an informed comment on that piece of evidence was unfairly cut.

Moreover, the described chaotic process has seriously limited the ability of stakeholders to request and analyze for relevant information. For example, during the February 3, 2020 meeting at the USCIS office, attendees were told that:

- a. In order to calculate the proposed fee for each immigration benefit, USCIS utilizes the SAP Business software.



- b. To feed the software in order to make those calculations, USCIS uses data that come from the estimated agency budget. (USCIS uses different budget scenarios)
- c. To be able to produce the estimated agency budget (on the different scenarios), one of the main inputs USCIS need is the estimated volume for each immigration benefit (so USCIS can estimate number of staff members, real estate, desk and computers, etc.)
- d. This estimated volume for each of the immigration benefits is calculated by a "Volume Projection Committee", that is composed by members of different USCIS departments. This Committee also uses information provided by the Office of Performance and Quality.

Thus, in order to fully understand the software demonstration we attended, we would have needed to know how USCIS has estimated the volume for each benefit. When we asked about that in the meeting, we were told that that information was out of the scope of the meeting, seriously limiting our ability to understand how the software works to estimate the cost per benefit that it is used to estimate the new proposed fee for that benefit.

Moreover, being the projected volume-by-benefit a critical piece of the entire new fee calculation, the rationale used by USCIS to determine that projected volume, including the historic data, facts, trends, and assumptions made in that process, should have been included as part of the economic analysis published at the beginning of the comment period. USCIS did not publish that crucial information for the public to analyze and submit comments.

During the February 3, 2020 meeting, we were also shown how the SAP software based all cost calculations on previously determined "activities." When comparing the cost per activity included on the current proposal with the one shared by USCIS two years ago, we noted that there are considerable increases on some of those costs. For example, the activity "Make a determination" on the naturalization benefit ( N-400 form) has increased 52% between the last two proposals -from \$326 to \$ 497- On the same benefit (N-400 form), the cost of the activity "Inform to the public" has increased from \$102 to \$144 -a 41% increased-. We asked USCIS officers to explain to us the rationale for those increases, that notable exceed the inflation rate for the period. USCIS officers also denied us this explanation, stating that the scope of the meeting did not include to provide those answers. It is impossible for stakeholders to perform a thorough analysis and submit an informed comment to USCIS without having



access to the crucial information used by USCIS to estimate the new fees. USCIS has failed in publishing that information for review at the time of publishing the current proposed fee rule.

In conclusion, because USCIS has failed to provide stakeholders with the opportunity to analyze the entire set of relevant information that USCIS has used to calculate the proposed new fees, we opposed the entire new rule and we request USCIS to continue using the current fee structure until USCIS provides access to the FULL SET of information it used and enough organized time to submit comments. We request for USCIS to close the current proposed rule and open a new one, including all the information and providing a 60 days period to analyze it.

Sincerely,

Pablo Blank  
Sr. Manager, Immigrant Integration Programs.  
CASA