



OFFICE OF THE PRESIDENT  
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March 6, 2023

Ms. 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: University of California Comment on USCIS Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements (Docket No. USCIS-2021-0010 RIN: 1615-AC68)

Dear Ms. Cribbs,

Thank you very much for the opportunity to comment on the proposed fee schedule changes published in the Federal Register on January 4, 2023. We represent the ten campuses of the University of California and hope to provide insight and context to the impact of the proposed fees on our system and our research and teaching missions.

The University of California (UC) recognizes that the U.S. Citizenship and Immigration Services (USCIS) is a fee-based agency and has not increased fees in almost a decade. However, the imposition of an abrupt increase has potential unintended consequences. These fees will decrease the demand for the H-1, O, E-3 TN visas that the UC normally uses in higher education in pursuit of our educational and research missions, resulting in less revenue than the agency is anticipating to recover. In addition, these fee increases create a financial hardship for our performing arts centers as it would increase the O and P artist visa applications fees. The fees for O visa petitions would increase by 260% and the P visa by 251%. These fees would have a disproportionate impact on the performing arts centers' budgets and would decrease the number and caliber of international artists that can perform on university campuses.

As an illustration, in 2022, the ten campuses in the University of California system collectively filed approximately 1250 H-1 visas for faculty, researchers and specialty workers at a cost of \$575,000. The proposed fee increase for H-1 workers would increase that amount to \$975,000. The proposed required \$600 asylum fee would add an additional \$750,000 to the costs for a total expenditure of \$1,725,000. While we file fewer O, E-3, TN visas in comparison to H-1 visas, the UC still collectively files over 100 visas annually, so the proposed fees would increase our filing costs from \$46,000 to \$101,500.

These abrupt increases make hiring highly skilled workers unaffordable for our classrooms and laboratories. As a result, the University is concerned that many of these positions will go unfilled, since there are not enough qualified skilled US workers to fill open positions. As an example, life, physical and social science occupations had an unemployment rate at just 0.6% in 2022. Engineering, math and data science occupations have similarly low unemployment rates. Institutions of higher education already have difficulty competing with industry for skilled workers, but these increases make

universities even less competitive at the expense of US innovation. Currently, the University of California system patents five new inventions per day and has over 12,000 active patents, more than any other university in the world. Much of this innovation is derived from our ability to attract and hire the best scientists and educators in the world. But our resources are not unlimited.

While the University appreciates USCIS's intent to find an equitable funding solution for asylum cases, placing these fees on institutions submitting employment petitions as a whole is not the appropriate solution. The Small Entity Analysis (SEA) of non-profit institutions relies on unsupported assumptions on the burden to non-profits and is silent on the benefits of non-profits to the nation. While close to 90% of I-129 submitting employers may be small entities, the funding differences between a venture capital supported start-up and a university basic science lab are enormous. The USCIS also does not fully discuss the impact on distributing asylum fees across all application types, so it is difficult to accept these assumptions without reviewing the impact for comparison.

The University recommends a re-consideration of distributing the asylum fee across all form types or, as an alternative, excluding higher education from this particular fee, similar to the higher education exemptions in the American Competitiveness and Workforce Improvement Act. This would help to mitigate the impact of overall fee increases and allow us to continue our public teaching and research missions.

Finally, these significant fee increases also increase expectations of faster and predictable processing times. Over the past decade, we have seen H-1B processing times fluctuate by as much as eight months. Backlogs are unpredictable; the uncertainty around processing times and suspensions of premium processing make it difficult to predict when employees can start work and have impacted staffing in our labs, classrooms and clinics. It is imperative that any fee increases result in reasonable and predictable processing.

The University of California appreciates this opportunity to comment on this proposal, and thanks you in advance for your consideration. If you have any questions regarding these comments, please contact Chris Harrington, associate vice president for federal governmental relations, at [Chris.Harrington@ucdc.edu](mailto:Chris.Harrington@ucdc.edu) or 202-997-3150.

Sincerely,



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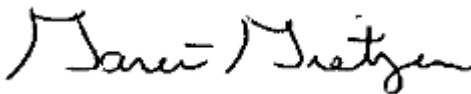
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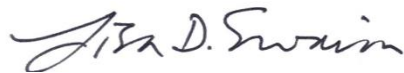
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