



One Hundred Eighteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

April 27, 2023

Hon. Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Dr.
Camp Springs, MD 20588-0009

Dear Director Jaddou:

I write to follow up on our March 9, 2023, conversation and reiterate concerns about U.S. Citizenship and Immigration Services' (USCIS) recently proposed changes to the fee schedule for O-1, O-2, and P-1, P-2, and P-3 visa petitions.

As we discussed, the proposed rule would increase the total cost of petition fees for O and P visas by over 250 percent, from \$460 to \$1,655 and \$1,615, respectively. Most international touring artists and musicians perform in smaller venues, and this proposed increase may prevent such venues from being able to engage international artists who are unable to afford costly visa fee increases.

International touring artists generate significant revenue for the American economy, create jobs in the arts sector, and help local hospitality and touring industries. Unaffordable visa costs may slow this economic driver for many of our local communities, curtail Americans' access to the performing arts, and prompt foreign nations to adopt reciprocal price increases for U.S. artists.

While I recognize that USCIS is a fee-funded agency, I encourage you to reconsider the large fee increases for O and P visa applicants and identify a solution to allow smaller performing arts venues to continue to thrive. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Bennie G. Thompson".

Bennie G. Thompson
Member of Congress



**U.S. Citizenship
and Immigration
Services**

May 26, 2023

The Honorable Bennie G. Thompson
U.S. House of Representatives
Washington, DC 20515

Dear Representative Thompson:

Thank you for your April 27, 2023 letter regarding proposed changes to the fee schedule. We appreciate your interest in the January 4, 2023 proposed fee rule, including your statements about the economic importance of international touring artists and musicians and your concerns about the impact of U.S. Citizenship and Immigration Services (USCIS) fees on O and P visa applicants.

As a predominantly fee-funded agency, USCIS allocates all costs to fee-paying applicants and petitioners in an effort to ensure that the agency can fully recover its operating costs. By statute, USCIS provides certain services without requiring a fee, which are primarily immigration benefits for refugees and asylum seekers. USCIS does other work that provides fee waivers and exemptions for economically disadvantaged individuals and vulnerable populations, such as victims and witnesses to crimes. This means the fees charged for a particular form may include the cost of adjudicating that form plus an additional percentage to cover overhead expenses and the agency's costs to adjudicate fee-exempt, fee-reduced, and fee-waived cases.

The fees proposed in the Fiscal Year (FY) 2022/2023 fee rule include the recovery of the costs for refugee and asylum processing, with the costs to implement the Asylum Processing Interim Final Rule (IFR) covered by a separate fee to be charged specifically to business petitioners. This Asylum Program fee for Form I-129 (required for O and P visa applicants) and Form I-140 petitioners was proposed at \$600, which would maintain lower proposed fees for other immigration benefit requestors than would be proposed if the costs were spread among all other fee payers. For example, charging the Asylum Program Fee only to employer petitions reduces the proposed Form I-485, Application to Register Permanent Residence or Adjust Status fee to apply for a green card by \$170 compared to a fee schedule without the cost shift. If USCIS receives alternative funding or resources for the Asylum Processing IFR, such as Congressional appropriations, the resources needed to implement it at the levels recommended in the proposed fee rule may decrease. In addition, the President's FY 2024 budget has requested

appropriated funding to support the processing of refugee and asylum applications.¹ In the absence of appropriated funding, the Asylum Processing IFR must be funded by the fees USCIS charges for other immigration benefit requests. USCIS greatly appreciates Congress' support of the International and Refugee Affairs Division in FY 2023, and we hope Congress will continue to support refugee processing and increase appropriations so that asylum processing generally, and the Asylum Processing IFR specifically, as well as other mission critical activities, are funded.

Additionally, the President's FY 2024 budget requests appropriated funding to continue the agency's efforts in reducing the backlog of cases that accrued during the pandemic.² As you noted, Congress did provide \$275 million in FY 2022 for this backlog reduction initiative, and the USCIS Fiscal Year 2022 Progress Report³ explained how these appropriations were crucial in turning the tide on these backlogs and achieving greater efficiencies throughout the agency. For your convenience, please see a copy of our Progress Report attached to this letter.

We appreciate your input regarding the fees for O and P visa applicants. The public comment period for the proposed fee rule ended on March 13, 2023, and USCIS is carefully reviewing all public comments as we draft a final fee rule, including some similar to your input.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou
Director

¹ USCIS requested \$137 million to support the International Refugee Affairs Division and \$342 million to support Asylum adjudications in the FY 2024 budget request. USCIS' full budget request is available at:

<https://www.dhs.gov/sites/default/files/2023>

² In FY 2024 USCIS requested \$264 million in support of backlog reduction efforts.

³ See USCIS Fiscal Year 2022 Progress Report, available at

https://www.uscis.gov/sites/default/files/document/reports/OPA_ProgressReport.pdf.