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FROM <u>DAN CHENOK</u>	DATE <u>7/7/98</u>

REMARKS

INS FEES RULE. PLEASE

COMMENT BY TUESDAY 7/14.

EXECUTIVE ORDER 12866 SUBMISSION

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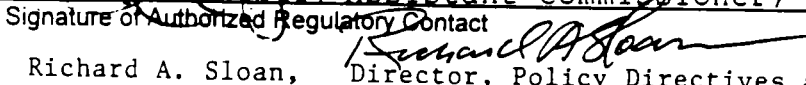
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1. Agency/Subagency originating request Department of Justice Immigration and Naturalization Service		2. Regulation Identifier Number (RIN) 1115 - AE42 1115- A498	
3. Title Immigration Examinations Fee Account (IEFA)			
4. Stage of Development ☐ Prerule ☐ Proposed Rule ☐ Interim Final Rule ☒ Final Rule ☐ Final Rule - No material change ☐ Notice ☐ Other Description of Other _____		5. Legal Deadline for this submission a) ☐ Yes ☒ No b) Date ____ / ____ / ____ DD MM YYY c) ☐ Statutory ☐ Judicial	
7. Agency Contact (person who can best answer questions regarding the content of this submission) Michael T. Natchuras Phone (202) 616-0563		6. Designations a) Economically Significant (E.O. 12866) ☐ Yes ☒ No b) Unfunded Mandate (2 U.S.C. 1532) ☐ Yes ☒ No If either of the above is "Yes," submit four (4) complete packages to OIRA	

Certification for Executive Order 12866 Submissions

The authorized regulatory contact and the program official certify that the agency has complied with the requirements of E. O. 12866 and any applicable policy directives.

Signature of Program Official  Jeffrey M. Weber, Assistant Commissioner, Budget		Date 6/22/98
Signature of Authorized Regulatory Contact  Richard A. Sloan, Director, Policy Directives and Instructions		Date 6/22/98

BILLING CODE: 4410-10

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

INS No. 1768-98; AG No.

RIN 1115-AE42

Adjustment of Certain Fees of the Immigration Examinations Fee Account

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adjusts the fees schedule of the Immigration Examinations Fee Account (IEFA) for certain immigration adjudication and naturalization applications and petitions. Fees collected from persons filing these applications and petitions are deposited into the IEFA and used to fund the cost of processing immigration adjudication and naturalization applications and petitions and associated support services; the cost of providing similar services to asylum and refugee applicants; and the cost of similar services provided to other immigrants at no charge. This rule ensures that the fees that fund the IEFA generate sufficient revenue to recover the full cost of processing immigration adjudication and naturalization applications and petitions, and the cost of asylum, refugee, and other immigrant services provided at no charge to the applicant.

This rule ensures that the fees that fund the IEFA generate sufficient revenue to recover the full cost of processing immigration adjudication and naturalization applications and petitions, and the cost of asylum, refugee, and other immigrant services provided at no charge to the applicant.

DATES: This final rule is effective [Insert date 60 days from date of publication in the FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Michael T. Natchuras, Chief, Fee Policy and Rate Setting Branch, Office of Budget, Immigration and Naturalization Service, on

(202) 616-2754, or Charles J. Yaple, Senior Staff Accountant, Fee Policy and Rate Setting Branch, Office of Budget, Immigration and Naturalization Service, on (202) 305-0020, or in writing at 425 I Street, NW., Room 6240, Washington, DC 20536.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Immigration and Naturalization Service (Service) published a proposed rule in the **Federal Register** on January 12, 1998, at 63 FR 1775, to adjust the current Immigration Examinations Fee schedule. The fee adjustment is needed to comply with specific Federal immigration laws and the Federal user fee statute and corresponding regulations, which require Federal agencies to charge a fee for services when such services provide benefits to recipients that do not accrue to the public at large. The revised fees are calculated to recover the costs of providing these special services and benefits. The proposed rule was published with a 60-day comment period which closed on March 13, 1998. The Service received 2,033 comments pertaining to the increases to the fees of the IEFA.

Comments were received from a broad spectrum of individuals and organizations, including 26 refugee and immigrant service organizations, 20 community literacy collaboratives, 45 public policy and advocacy groups, 49 religious affiliated agencies, 10 attorney organizations, 717 past and present adopting parents, and 1,127 concerned or prospective citizens. All of the comments were carefully considered before preparing this final rule. The following is a discussion of these comments and the Service's response.

II. Summary of Comments

A. Form I-600/600A, Petition to Classify an Orphan as an Immediate Relative and

Form N-643, Application for Certification of Citizenship-Adopted Child.

Seven hundred and seventeen comments were received from prior or prospective adopting parents expressing dissatisfaction with the fee increases associated with Forms I-600 and I-600A, Petition to Classify an Orphan as an Immediate Relative, and the Application for Advance Processing of Orphan Petition, respectively, and Form N-643, Application for Certification of Citizenship-Adopted Child. All 717 comments received were similar in nature. The commenters felt that these fees discriminated against American citizens who wished to adopt abandoned children living in orphanages around the world.

The Commissioner has always placed a very high priority in expediting international adoption applications. Each office must have at least one designated adjudicator to process international adoption applications. At most offices, the adjudicator receives the application directly. The international adoption process is labor intensive and generates a considerable amount of direct case interaction and correspondence.

The Fee Study Team documented the process and performed cycle time analysis for Forms I-600 and N-643, to accurately identify the costs associated with the processing of these specific petitions. The observations show that the processing of these petitions were particularly labor intensive and required the constant attention of adjudicators and others assigned to these cases.

Eighty percent of the applicants have numerous questions and contact the adjudicator with inquiries and requests for information before the initial submission of their application. Ninety percent of the applications are delivered in person, which leads to an extensive question and answer period between the applicant and the adjudicator. For instance, the average time needed for receipt of the other applications and petitions is slightly less than 5 minutes each. However, for the Form

I-600/I-600A, the receipt cycle time is greater than 49 minutes because of the questions and concerns of the applicant.

Since the Service does not receive any appropriated funding (tax dollars) to cover the cost of processing applications and petitions for any naturalization or immigration benefit, the increase in fees is necessary to recover the full costs associated with processing international adoption applications.

B. Form N-400, Application for Naturalization.

Twelve hundred and ninety-eight comments were received opposing the increase in the fee for the Form N-400, Application for Naturalization. Most of the comments began by stating that the proposed fee increase from \$95 to \$225 would create a hardship for most immigrant families because their family income is relatively low.

The Service recognizes the concerns surrounding these comments. However, the Service has committed significant resources to improving the naturalization process to reduce the waiting time for processing applications while still ensuring the integrity of the process. Part C explains why the increase in fees is necessary to recover the full cost of processing naturalization applications.

C. The Commissioner's Pledge on Fee Increases.

One hundred and twenty-one of the commenters referenced the Commissioner's remarks that no fee increases would be implemented until the Service made progress in four internal milestone areas. Those four milestones are: (1) the case backlogs begin to subside and applicant waiting time is reduced, (2) the new Application Support Centers have been opened, (3) submission of applications/petitions through direct mail is in uniform use, and (4) the new automated system called the Computer Linked Application Information Management System (CLAIMS 4.0) naturalization

processing software is installed to help ensure consistency in the application process and prevent applications from moving forward before all steps are completed. Progress on each of these milestones is discussed below.

1. Case backlogs begin to subside and applicant wait time is reduced for naturalization applications.

Backlog reduction efforts have been underway since last fall to reduce waiting times to process naturalization applications. A backlog reduction team is establishing production goals for each office for the months of June and September 1998. These projections will be agreed upon by each individual office, the regional management team, and appropriate headquarters personnel. They are based on each office achieving standard interview and completion levels for each adjudications officer while still maintaining the integrity of the naturalization program. To assist the field offices in achieving increased levels of productivity, additional funding has been allocated for overtime, clerical support, facilities expansion, and equipment. A decision has been made to use FY 1998 records resources in a targeted national records project to support the backlog reduction and data integrity initiatives.

2. New Application Support Centers (ASCs) are opened.

On December 3, 1997, the Service implemented new fingerprinting procedures that require naturalization applicants to be fingerprinted by the Service, designated state or local law enforcement agencies (DLEAs), or U.S. consular or military offices abroad. Under the procedures, naturalization applicants in the United States file their applications without fingerprints and are then notified by the Service to appear for fingerprinting at an Application Support Center (ASC), or other Service authorized fingerprint site.

The Service has opened ASCs nationwide to fingerprint applicants. These sites are located

within 10 miles of 75 percent of the applicants and within 25 miles of 92 percent of the applicants. In addition, the Service is establishing 35 mobile ASC routes and 41 DLEAs to provide fingerprinting services in areas where applicant volume does not warrant opening permanent sites, and to meet the special needs of the elderly, persons with disabilities, and community groups. A total of 128 store front ASCs and colocated ASCs are now open for business. All permanent ASC sites are scheduled to be in operation by August 1998. Mobile ASCs will begin operation in July 1998.

On March 29, 1998, the Service extended the fingerprint procedures used for naturalization to all immigrant benefit applications that require fingerprints, and initiated a \$25 fingerprinting fee to cover the cost of the service.

3. Direct mail is in uniform use.

Since April 15, 1998, all new naturalization applications are filed by mail to one of the Service's four highly automated service centers. The direct mail process allows applicants to send their applications to a designated service center and transfers the upfront clerical processing of an N-400, from local offices to the service centers.

The move to direct mail enhances the consistency of application processing and allows the Service's local offices to focus on interviews, ceremonies, and case completions. The service centers also automate and standardize case processing, and improve the quality and timeliness of case status information.

4. Computer Linked Application Information Management System 4.0 (CLAIMS) naturalization processing software is installed and in use.

All naturalization applications will be processed through one automated nationwide system

known as "CLAIMS 4.0," which replaces a variety of computer or manual systems currently used by field offices. The Service is piloting CLAIMS 4.0 for all new incoming naturalization applications received at all four service centers and for some applications at the Chicago District Office. In June, CLAIMS 4.0 will be expanded for use with some applications received at the Miami District Office. It is scheduled to be implemented in the Los Angeles, Newark, New York, and San Francisco district offices by the end of 1998.

When installation at the service centers and the six largest districts is complete, 100 percent of all new applications will be front-ended in CLAIMS 4.0, and 65 percent of all applications will be completely processed in CLAIMS 4.0. In addition to improving integrity and productivity in the naturalization process, installation of CLAIMS 4.0 will result in better customer service by providing automated case status information and more efficient case processing.

Given the substantial progress achieved on these four milestones, and the announcement of a long-term blueprint transforming the citizenship program, the Attorney General believes the Commissioner has fulfilled her pledge.

D. Applicant Fees Should Not Pay for Unrelated Expenses or Atypical Costs.

Fifty-one of the commenters opposed the use of the applicants fees to pay for expenses which they perceived to be for unrelated services such as the running of the asylum, refugee, and parole, and humanitarian affairs (formerly the Cuban-Haitian Entrant Program) programs. In the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (Pub.L. 101-515), Congress authorized the Service to provide certain immigration adjudication and naturalization services at no cost to the applicants. Public Law 101-515 states, "that fees for providing adjudication and naturalization services may be set at a level that will ensure

recovery of the full costs of providing all such services, including the costs of similar services provided without charge to asylum applicants or other immigrants. Such fees may also be set at a level that will recover any additional costs associated with the administration of the fees collected [8 U.S.C. 1356(m)].” As a result of this legislation, Congress no longer provided the Service with an appropriation to cover the costs of asylum and refugee services, and directed the Service to fund these costs with revenue from the IEFA.

In FY 1996, Congress also authorized the Service to pay for the cost of the Cuban-Haitian Entrant Resettlement Program from the IEFA. In FY 1997, Congress transferred the cost of other asylum and refugee services that had been paid from the Violent Crime Trust Fund to the IEFA. Through explicit legislative language and subsequent appropriation action, Congress has signaled its desire that certain asylum and refugee services should be provided at no charge to the recipient. The revenue to pay for these costs must be recovered from the fees charged to other applicants for immigration adjudication and naturalization benefits. All expenses being included for cost recovery are consistent with Federal law and Federal accounting standards.

Many of these commenters also opposed the Service paying for unusual or atypical costs when compared to a normal processing year. They claimed that the type of organizational activities that the Service is currently engaged in, such as infrastructure building, should not be funded by current applications and must not be included in the fee calculation. Proper accounting treatment requires inclusion of unusual or atypical costs, such as improvement of automation activities or upgrading of records management. These types of costs were assigned a useful life and the cost of these projects amortized or depreciated over the assigned useful life. Therefore, a portion of the unusual or atypical cost has been included in the fee calculation framework for the current year and

treated like any other cost based on the useful life assigned to that asset.

E. The Service Should Seek Additional Sources for Funding Certain Adjudications Functions From Congress.

Fifty of the commenters encouraged the Service to seek additional sources of funding from Congress for certain adjudications functions. Since FY 1989, the fees collected and deposited into the Examinations Fee Account have been the sole source of funding for immigration adjudication and naturalization services. In creating the IEFA, the Congress intended that this account be self-sustaining, and not be funded by tax dollars. The Service has been managing this account consistent with Federal law and Congressional direction.

In addition, the commenters felt that the Service should seek action from Congress that would end the practice of taking 245(i) fee money out of the IEFA and redirecting it to detention related activities. The commenters felt adjudication services were being provided with respect to 245(i) activities and, thus, fees submitted in connection with a 245(i) adjustment application should remain in the IEFA, which is the funding source for immigration adjudication and naturalization services. Detention related activities, the commenters noted, should be funded with appropriated funds. The Service will take these comments under advisement. However, since the drafting of the proposed rule, it is noted that Congress has enacted legislation which has reinforced its intent that 245(i) fee money (Pub. L.105-119) not be deposited in the IEFA.

Finally, these commenters addressed the requirement that Congressional notification is needed whenever a reprogramming of more than \$500,000 or 10 percent of the change in the net total of any program activity's approved budget is to take place. The Service is only required to provide notice to Congress; however, the commenters felt the Service has adopted a policy in which

it does not spend the funds until the change is approved by Congress. The Service, per Department of Justice policy, only takes action under the protocol which Congress has established, which requires Congressional approval before spending authorities can be changed.

F. The Service Should Charge the Same Fees for Consistent Services.

Sixty-six of the commenters opposed increasing fees when service varies so greatly from office to office. The proposed fees were developed on a nationwide basis based on the identified resources needed to produce specific goods or services. The Service matched the resources needed to receive and to process the new applications/petitions with the workload expected to be received in FY 1998. The process was consistently applied for all applications and petitions. However, the Service is currently reviewing the workloads in the various district offices in an effort to balance waiting times.

G. The Service Should Consider Gradual or Phased-in Fee Increases.

Eighteen commenters recommended that fees be gradually phased in over a 3-year period. The Service agrees that this may be a useful approach in the future, and will study this course of action. However, fees have not been increased since July 14, 1994, and based upon projected fee revenues and corresponding cost estimates, the Service projects a shortfall in revenue. Currently, the Service cannot gradually increase fees over a 3-year period without jeopardizing the financial solvency of the entire account. This rule is necessary to ensure that the fees that fund the IEFA generate sufficient revenue to recover the full cost of processing immigration adjudication and naturalization applications and petitions, including the costs of similar services provided at no charge to asylum applicants or other immigrants.

H. Fee Calculation Methodology.

Thirty-three of the commenters objected to the methodology used to calculate the proposed fees. More specifically, the cost modeling convention records events “as is,” not “as should be.” Some of the commenters felt that the Activity Based Costing methodology calculated fees based upon inefficient practices.

The Fee Account Study adhered to the guidance contained in the Office of Management and Budget (OMB) Circular A-25, User Charges, which requires that user charges imposed recover the full cost to the Government for providing a special benefit. In addition, the Federal Accounting Standards Advisory Board (FASAB) provides additional guidance on the meaning of full-cost recovery. In FASAB Statement No. 4, full cost is defined as:

The total amount of resources used to produce the output. This includes direct and indirect costs that contribute to the output regardless of funding sources. It also includes costs of supporting services provided by other responsibility segments or entities.

The fees reflect the current cost of processing applications and petitions at the time of the fee study. The study was conducted consistent with the requirements of the Chief Financial Officers Act of 1990 which requires a biennial review of user fees to ensure that full costs are being recovered.

I. Form I-539, Application to Extend Status-Change Nonimmigrant Status; Form I-129H, Petition to Classify Nonimmigrant as a Temporary Worker; Form I-140, Immigrant Petition for Foreign Worker; Form I-485, Application to Register Permanent Status or Adjust Status; Form I-765, Application for Employment Authorization; Form I-612, Application for Waiver of Foreign Residence Requirement.

Comments were received from two universities opposing the fee increases for petitions

frequently filed by international students, faculty, and staff. The first commenter opposed the fee increases for the Form I-539, Form I-129H, Form I-140, Form I-612, and the Form I-765 because they would impose an unacceptable financial burden upon the recipients. The second commenter objected to the fee increases until service improved and recommended waiving the fees, specifically the fee for the Form I-765, because of economic necessity. There are provisions in 8 CFR 103.7 (c) which provides for waiver of fees if certain conditions are met. The Service often waives fees for this application when the economic need exists. The proposed rule stated, "For FY 1998, the Service estimates that approximately 50 percent of the Form I-765 applications will be processed at no charge to applicants, at a total cost of \$35.9 million."

The fee increases on which these commenters were voicing opposition resulted from a comprehensive examination of costs associated with application and petition processing. As previously stated, the Service is required to review the fee structure, and to ensure that the full costs of providing special benefits to identifiable recipients be recovered by the Federal Government. Accordingly, these fees must be increased to recover costs.

J. Waiver/Exempt Costs.

In the proposed rule, it was indicated that the Service is currently evaluating under what conditions a waiver of any fee should be granted. The proposed rule specifically sought comments on setting standards for application fee waivers. One hundred and nineteen commenters responded to this solicitation. These commenters agreed that a waiver policy and a standard waiver form were desirable. Twenty-nine commenters suggested that a "means test" be used to determine if an applicant qualifies for a fee waiver. The Service will take this information under advisement during its ongoing review of this matter. Any proposed changes to the fee waiver policy will be published

in a future regulatory action, and will take effect on an interim or permanent basis on or before the effective date of this final rule.

K. Assignment of Waiver/Exempt Costs and Asylum and Refugee (International Affairs) Surcharge.

In the proposed rule, the Service highlighted the methodology used to assign costs for waiver/exempt costs and an asylum and refugee surcharge. The Service specifically sought comments on whether a flat rate or a percentage should be used to assign costs related to the surcharge applications and petitions for which the fees are waived. No comments were received on this question. Accordingly, the Service will continue to assign its' waiver/exempt costs and surcharge as a flat percentage of each application's or petition's processing costs.

III. Fee Adjustments

The fee adjustments, as adopted in this rule, are shown as follows:

Immigration Examinations Fee Account/Fee Schedule		
Application Number	Description	Fee
I-17	Petition for Approval of School for Attendance by Nonimmigrant Student	\$ 200.00
I-90	Application to Replace Permanent Resident Card	\$ 110.00
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	\$ 85.00
I-129/I-129H/ I-129L	Petitions for Nonimmigrant Worker	\$ 110.00
I-129F	Petition for Alien Fiancé(e)	\$ 95.00
I-130	Petition for Alien Relative	\$ 110.00
I-131	Application for Travel Document	\$ 95.00
I-140	Petition for Alien Worker	\$ 115.00
I-485	Application to Register Permanent Residence or Adjust Status	\$ 220.00
I-526	Immigrant Petition by Alien Entrepreneur	\$ 350.00
I-539	Application to Extend/Change Nonimmigrant Status	\$ 120.00
I-600/ I-600A	Petition to Classify Orphan as an Immediate Relative/Application Advance Processing of Orphan Petition	\$ 405.00
I-601	Application for Waiver of Ground of Inadmissibility	\$ 170.00
I-612	Application for Waiver of the Foreign-Residence Requirement	\$ 170.00
I-751	Petition to Remove the Conditions of Residence	\$ 125.00
I-765	Application for Employment Authorization	\$ 100.00
I-817	Application for Voluntary Departure under the Family Unity Act	\$ 120.00
I-824	Application for Action on an Approved Application or Petition	\$ 120.00
I-191	Application for Advance Permission to Return to Unrelinquished Domicile	\$ 170.00
I-192	Application for Advance Permission to Enter as a Nonimmigrant	\$ 170.00
I-193	Application for Waiver of passport and/or visa	\$ 170.00
I-212	Application to Reapply for Admission into the US After Deportation	\$ 170.00
I-829	Petition by Entrepreneur to Remove Conditions	\$ 345.00
N-400	Application for Naturalization	\$ 225.00
N-565	Application for Replacement Naturalization/Citizenship Document	\$ 135.00
N-600	Application for Certification of Citizenship	\$ 160.00
N-643	Application for Certificate of Citizenship on Behalf of an Adopted Child	\$ 125.00

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. The Service does acknowledge that a number of small entities, particularly those filing business-related applications and petitions such as the Form I-129, Petition for Nonimmigrant Worker, may be affected by this rule. For FY 1998, the Service projects that approximately 254,000 Forms I-129 will be filed. However, this volume represents petitions filed by a variety of businesses, ranging from large multi-national corporations to small domestic businesses. The Service does not have statistics on the number of small businesses that may be affected by this rule. The Service tracks the number of petitions filed; these volume statistics do not indicate the types of businesses that file petitions, or the size of the businesses filing the Form I-129.

The Service conducted an exhaustive review of the costs incurred for processing the various immigration adjudication and naturalization applications and petitions. The Service believes that, as a result of this study, these fees reflect, as closely as possible, the full cost of providing the specific service provided through the filing of an application or petition. The Service conducted its review and adjusted its fees in accordance with statutory mandates and Federal cost accounting standards. These statutes and standards require the Service to recover the full cost of providing services that confer a benefit that does not accrue to the public at large. While some of the increases are notable, it is important to note that the immigration adjudication and naturalization fees have not been increased since July 1994; during the same period the Service had experienced a significant

increase in its costs.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995. This rule will only affect persons who file applications or petitions for immigration benefits. The increase in fees is necessary to defray the higher costs of adjudicating and granting the benefits sought. No further actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is a major rule as defined by the Small Business Regulatory Enforcement Act of 1996. This rule will result in an annual effect on the economy of more than \$100 million, in order to generate the revenue necessary to fund the increased expenses of processing the Service's adjudication and naturalization applications and petitions. The increased fees will be paid by persons who file applications or petitions to obtain immigration benefits.

Executive Order 12866

This rule is considered by the Department of Justice to be an economically "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review because it will have an annual effect on the economy of \$100 million or more. This increase in revenue will be used to fund the processing of immigration adjudication and naturalization applications and petitions. The revenue increase is based on the Service's costs and workload

volumes that were available at the time of the fee study. The volume of applications and petitions filed is projected based on a regression analysis of a 5-year history of actual applications and petitions received by the Service. The regression analysis is adjusted for any anticipated or actual changes in laws, policies, or procedures that may affect future filing patterns. The proposed fees will be paid by an estimated 4.3 million individuals and businesses filing immigration adjudication and naturalization applications and petitions. Accordingly, this regulation has been submitted to the Office of Management and Budget (OMB) for review.

Executive Order 12612

The regulation adopted herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Paperwork Reduction Act

This rule does not impose any new reporting or recordkeeping requirements. The information collection requirements contained in this rule were previously approved for use by OMB. The OMB control numbers for these collections are contained in 8 CFR 299.5, Display of control numbers.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Fees, Forms, Freedom of Information, Privacy, Reporting and Recordkeeping requirements, Surety bonds.

Accordingly, part 103 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 103--POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552(a); 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557; 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

2. In § 103.7, paragraph (b)(1) is amended by:

(a) Removing the entry for "Form I-485A" from the listing of fees; and by

(b) Revising the entries for the following forms listed, to read as follows:

§ 103.7 Fees.

* * * * *

(b) * * *

(1) * * *

* * * * *

Form I-17. For filing an application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof--\$200.00.

* * * * *

Form I-90. For filing an application for Permanent Resident Card (Form I-551) in lieu of an obsolete card or in lieu of one lost, mutilated, or destroyed, or for a change in name--\$110.00.

* * * * *

Form I-102. For filing a petition for an application (Form I-102) for Arrival-Departure Record (Form I-94) or Crewman's Landing (Form I-95) , in lieu of one lost, mutilated, or destroyed--\$85.00.

Form I-129. For filing a petition for a nonimmigrant worker--\$110.00.

Form I-129F. For filing petition to classify nonimmigrant as fiancée or fiancé under section 214(d) of the Act--\$95.00.

Form I-129H. For filing a petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act--\$110.00

Form I-129L. Petition to employ intracompany transferee--\$110.00.

Form I-130. For filing a petition to classify status of alien relative for issuance of immigrant visa under section 204(a) of the Act--\$110.00.

Form I-131. For filing an application for travel documents--\$95.00.

Form I-140. For filing a petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act--\$115.00.

* * * * *

Form I-191. For filing applications for discretionary relief under section 212(c) of the Act--\$170.00.

Form I-192. For filing application for discretionary relief under section 212(d)(3) of the Act,

except, in an emergency case, or where the approval of the application is in the interest of the United States Government--\$170.00.

Form I-193. For filing an application for waiver of passport and/or visa--\$170.00.

Form I-212. For filing an application for permission to reapply for an excluded, deported or removed alien, an alien who has fallen into distress, an alien who has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation--\$170.00.

* * * * *

Form I-485. For filing application for permanent resident status or creation of a record of lawful permanent residence--\$220.00 for an applicant 14 years of age or older; \$160.00 for an applicant under the age of 14 years; no fee for an applicant filing as a refugee under section 209(a) of the Act.

* * * * *

Form I-526. For filing a petition for an alien entrepreneur--\$350.00.

* * * * *

Form I-539. For filing an application to extend or change nonimmigrant status--\$120.00.

* * * * *

Form I-600. For filing a petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the Act. (When more than one petition is submitted by the same petitioner on behalf of orphans who are brothers or sisters, only one fee will be required.)--\$405.00.

Form I-600A. For filing an application for advance processing of orphan petition. (When more than one petition is submitted by the same petitioner on behalf of orphans who are brothers or

sisters, only one fee will be required.)--\$405.00.

Form I-601. For filing an application for waiver of ground of inadmissability under section 212(h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sub-sections.)--\$170.00.

Form I-612. For filing an application for waiver of the foreign-residence requirement under section 212(e) of the Act--\$170.00.

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Form I-751. For filing a petition to remove the conditions on residence, based on marriage--\$125.00.

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Form I-765. For filing an application for employment authorization pursuant to 8 CFR 274a.13--\$100.00.

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Form I-817. For filing an application for voluntary departure under the Family Unity Program--\$120.00.

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Form I-824. For filing for action on an approved application or petition--\$120.00.

Form I-829. For filing petition by entrepreneur to remove conditions--\$345.00.

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Form N-400. For filing an application for naturalization--\$225.00. For filing an application for naturalization under section 405 of the Immigration Act of 1990, if the applicant will be interviewed in the Philippines--\$250.00.

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Form N-565. For filing an application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; for a certificate of citizenship in a changed name under section 343(b) or (d) of the Act; or for a special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(c) of the Act--\$135.00.

Form N-600. For filing an application for certificate of citizenship under section 309(c) or section 341 of the Act--\$160.00.

Form N-643. For filing an application for a certificate of citizenship on behalf of an adopted child--\$125.00.

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Dated:

Janet Reno,

Attorney General