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March 20, 2020

Lauren Alder Reid  
Assistant Director, Office of Policy  
Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 2600  
Falls Church, VA 2204529

Paul Ray, Acting Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
725 17th Street, NW  
Washington, D.C. 20503

RE: Request for 60-Day Comment Period for EOIR Proposed Rule on Fees:  
EOIR Docket No. 18-0101

Dear Assistant Director Reid and Acting Administrator Ray:

We are writing to respectfully request that the Department of Justice's Executive Office for Immigration Review (EOIR) extend the review period for the recently proposed rule to increase certain fees associated with filings for appeals to the Board of Immigration Appeals (BIA), applications for suspension of deportation or cancellation of removal, and motions to reopen or reconsider before the immigration courts or the BIA.

On February 27, 2020, EOIR announced a Notice of Proposed Rulemaking (NPRM) that would drastically increase fees for the following forms and filings:

1. Form EOIR-26 from \$110 to \$975, a 786 percent increase;
2. Form EOIR-29 from \$110 to \$705, a 541 percent increase;
3. EOIR-40 from \$100 to \$305, a 205 percent increase;
4. EOIR-42A from \$100 to \$305, a 205 percent increase;
5. EOIR-42B from \$100 to \$360, a 260 percent increase;
6. Form EOIR-45 from \$110 to \$360, a 227 percent increase;
7. Motion to reopen or reconsider with the immigration court from \$110 to \$145, a 32



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percent increase; and

8. Motion to reopen or reconsider with the BIA from \$110 to \$895, a 714 percent increase.

A 30-day comment period was provided for this particular rule. We ask that this comment period be extended to 60 days, as is standard practice for allowing the public to provide feedback with regard to the introduction of federal rules. Executive Order 12866 states that agencies should allow "not less than 60 days" for public comment in most cases, in order to "afford the public a meaningful opportunity to comment on any proposed regulation." Executive Order 13563 states that "[t]o the extent feasible and permitted by law, each agency shall afford the public a meaningful opportunity to comment through the Internet on any proposed regulation, with a comment period that should generally be at least 60 days."

The proposed rule includes some major fee increases for several forms and filings, some nearing increases of almost 800%. According to EOIR itself, "it has been 33 years since EOIR last conducted a thorough review of the costs and appropriateness of its fee-based filing." With such major cost increases occurring after decades of stagnant fees, an ample amount of time must be allowed for the public to fully understand what steps were taken by EOIR to develop the new fees it is proposing. This rule will impact many people in significant ways, including many of our clients, and we do not feel that a 30-day comment period appropriately allows for a meaningful opportunity for comments to be submitted by concerned members of the public.

As our nation faces the threat of a global pandemic, the need for a full 60-day comment period is even more pressing. Personal efforts to support public health as well as governmental steps taken to do the same are having tremendous impacts on the everyday lives of those living in the United States at this moment. These extraordinary circumstances intensify the need for an extended period of time for the public to review and comment on the proposed rule, as stressors of the pandemic make it difficult for people to engage civically as usual. We call upon EOIR to extend the comment period to 60 days to ensure that important review and feedback from the public is not lost in the chaos of the current public health crisis.

We thank you for your consideration of our request. Please contact Cathryn Miller-Wilson at [cmillerwilson@hiaspa.org](mailto:cmillerwilson@hiaspa.org) for any questions or concerns.

Sincerely,  
  
Cathryn Miller-Wilson  
Executive Director