

Immigration Alert

OCTOBER 6, 2010

USCIS Filing Fee Changes Coming November 23rd

Beginning on November 23, 2010, U.S. Citizenship and Immigration Services (USCIS) will increase filing fees in an effort to close a projected \$200 million deficit for 2010-11. According to USCIS, fee revenue in fiscal years 2008 and 2009 was much lower than projected, and the agency claims that fee revenue in fiscal year 2010 remains low. While USCIS did receive appropriations from Congress and made budget cuts of approximately \$160 million, this has not bridged the remaining gap between costs and anticipated revenue.

USCIS will increase the fees for many immigration filings, including most employment-based immigration petitions and applications, and will implement several new fees for applications and services that are currently processed without charge. The new fee schedule will take effect on November 23, 2010, and petitions and applications postmarked on or after November 23rd must include the new fees. These fee increases come just three years after USCIS raised filing fees by 66%.

The final fee rule will increase application and petition fees by a weighted average of about 10%, although the amount of increase varies widely by application type. In addition, some filing fees will be reduced, and others, including those for naturalization applications, will remain unchanged.

Premium Processing Fees

Among the increased fees that petitioning employers will pay is the fee for premium processing service, which will jump from \$1000 to \$1225 for eligible I-129 and I-140 petitions. No expansion in the types of applications eligible for premium processing is planned at this time.

Newly Created Fees

The final fee rule also establishes several new fees, including:

- Regional center designation under the Immigrant Investor Pilot Program (EB-5) [Fee: \$6230]
- Recovery of the USCIS cost of processing immigrant visas granted by the Department of State through consular processing [Fee: \$165]

Fee Eliminations, Waivers, and Reductions

Finally, the new fee rule eliminates two citizenship-related fees for certain service members and veterans of the U.S. armed forces, and it expands the availability of fee waivers. The new fee schedule also lowers the fees for certain applications including, among others, Form I-539, Application to Extend or Change Nonimmigrant Status, and Form I-129F, Petition for Alien Fiancé(e).

Fee changes to some of the more common applications and petitions: ¹

| Form | Title | Current | New |
|------------|--|---------|-------|
| I-90 | Application to Replace Permanent Resident Card | \$290 | \$365 |
| I-129 | Petition for Nonimmigrant Worker | 320 | 325 |
| I-130 | Petition for Alien Relative | 355 | 420 |
| I-131 | Application for Travel Document | 305 | 360 |
| I-140 | Immigrant Petition for Alien Worker | 475 | 580 |
| I-485 | Application to Register Permanent Residence or Adjust Status | 930 | 985 |
| I-526 | Immigrant Petition by Alien Entrepreneur | 1,435 | 1,500 |
| I-539 | Application to Extend/Change Nonimmigrant Status | 300 | 290 |
| I-765 | Application for Employment Authorization | 340 | 380 |
| I-907 | Request for Premium Processing Service | 1,000 | 1,225 |
| N-400 | Application for Naturalization [No Change] | 595 | 595 |
| Biometrics | Capturing, Processing and Storing Biometric Information | 80 | 85 |

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If you have questions about these upcoming filing fee changes, or about any other immigration-related matter, please do not hesitate to contact your Mintz Levin attorney.

Endnotes

¹ Not all fee changes are noted.

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