



IMMIGRATION PRACTICE

ALERT

NEW AND INCREASED FEES FOR IMMIGRATION BENEFITS EFFECTIVE NOVEMBER 23, 2010

By Alka Bahal

U.S. Citizenship and Immigration Services (USCIS) published a final rule on September 24, 2010, adjusting fees for immigration applications and petitions, following a period of public comment on a proposed rule USCIS published in the *Federal Register* on June 11, 2010. USCIS indicates that it considered all 225 comments before finalizing the rule that concludes a comprehensive fee review initiated in 2009. The new rule establishes several new fees and increases fees overall by roughly 10 percent. Applications or petitions mailed, postmarked or otherwise filed on or after November 23, 2010, must include the new fees.

A chart comparing the new and current fees appears on page three of this alert.

The final fee rule:

- Increases the average application and petition fees by a weighted average of roughly 10 percent.
- Contains no increase in the naturalization application fee, in recognition of the unique importance of naturalization.
- Establishes new fees for regional center designation under the Immigrant Investor Pilot Program (EB-5) (\$6,230); individuals seeking civil surgeon designation (with an exemption for certain physicians who examine service members, veterans and their families at U.S. government facilities) (\$615); and the recovery of the USCIS cost of processing immigrant visas granted by the U.S. Department of State.

- Increases the fee for the premium processing service from \$1,000 to \$1,225.
- Reduces fees for six individual applications and petitions: Petition for Alien Fiancé (Form I-129F) from \$455 to \$340; Application to Extend/Change Nonimmigrant Status (Form I-539) from \$300 to \$290; Application to Adjust Status From Temporary to Permanent Resident (Form I-698) from \$1,370 to \$1,020; Application for Family Unity Benefits (Form I-817) from \$440 to \$435; Application for Replacement Naturalization/Citizenship Document (Form N-565) from \$380 to \$345; and Application for Travel Document (Form I-131) when filed for Refugee Travel Document.
- Eliminates two citizenship-related fees for those service members and veterans of the U.S. armed forces who are eligible to file an Application for Naturalization (Form N-400) with no fee: Request for Hearing on a Decision in Naturalization Proceedings (Form N-336) and Application for Certificate of Citizenship (Form N-600).
- Expands fee-waiver eligibility to certain applicants and petitioners, including individuals seeking to appeal the denial of underlying applications or petitions that required no fee, individuals applying for humanitarian parole with an Application for Travel Document (Form I-131) and individuals with an Application to Extend/Change Nonimmigrant Status (Form I-539) who are covered under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

“USCIS is grateful for the valuable public input that we received as we prepared the final fee rule,” said USCIS Director Alejandro Mayorkas. “We remain mindful of the effect of fee increases on the communities we serve, and we will continue to work to enhance the services we provide.”

USCIS is a primarily fee-based organization, with roughly 90 percent of its budget coming from fees paid by applicants and petitioners for immigration benefits. The law requires USCIS to conduct fee reviews every two years to determine the funding levels necessary to administer the nation’s immigration laws, process immigration benefit requests and provide the infrastructure needed to support those activities. Fees account for approximately \$2.4 billion of USCIS’ \$2.8 billion budget request for fiscal year (FY) 2011. More than two-thirds of the budget supports the adjudication of applications and petitions for immigration benefits at USCIS field offices, service centers, customer service call centers and records facilities. The remainder supports USCIS business transformation efforts and the funding of headquarters’ program offices.

According to USCIS, its fee revenue in FY 2008 and 2009 was much lower than projected, and fee revenue in FY 2010 remains low. While USCIS did receive appropriations from Congress and made budget cuts of approximately \$160 million, this has apparently not bridged the remaining gap between costs and anticipated revenue. Accordingly, USCIS determined a fee adjustment was necessary to ensure USCIS recovers the costs of its operations while also meeting the application processing goals identified in the 2007 fee rule.

For more information regarding the information in this Alert, or if you require assistance with your company’s immigration or employment issues, including IRCA compliance, I-9s, audits, visa processing or comprehensive immigration strategy, please contact Alka Bahal, partner and co-chair of Fox Rothschild’s Corporate Immigration Practice Group, at 973.994.7800, abahal@foxrothschild.com or immigration@foxrothschild.com or any member of our [Immigration Practice](#) or [Labor & Employment Department](#).

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Form No.	Application/Petition Description	Existing Fees (through 11/22/2010)	New Fees (on/after 11/23/2010)
I-90	Application to Replace Permanent Resident Card	\$290	\$365
I-102	Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	\$320	\$330
I-129/ I-129CW	Petition for a Nonimmigrant Worker	\$320	\$325
I-129F	Petition for Alien Fiancé(e)	\$455	\$340
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-191/I-192/I-193/I-212/I-601/I-612	Waiver Forms	\$545	\$585
I-290B	Notice of Appeal or Motion	\$585	\$630
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	\$375	\$405
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-600/600A	Orphan Petitions	\$670	\$720
I-687	Application for Status as Temporary Resident under INA § 245A or 210	\$710	\$1,130
I-690	Application for Waiver of Grounds of Inadmissibility	\$185	\$200
I-694	Notice of Appeal of Decision under INA § 245A	\$545	\$755
I-698	Application to Adjust Status from Temporary to Permanent Resident (Under §245A of Public Law 99-603)	\$1,370	\$1,020
I-751	Petition to Remove the Conditions of Residence	\$465	\$505
I-765	Application for Employment Authorization	\$340	\$380
I-817	Application for Family Unity Benefits	\$440	\$435
I-824	Application for Action on Approved Application or Petition	\$340	\$405
I-829	Petition by Entrepreneur to Remove Conditions	\$2,850	\$3,750
I-907	Request for Premium Processing Service	\$1,000	\$1,225
I-924	Application for Regional Center under the Immigrant Investor Pilot Program	\$0	\$6,230
N-300	Application to File Declaration of Intention	\$235	\$250
N-336	Request for Hearing on a Decision in Naturalization Proceedings	\$605	\$650
N-470	Application to Preserve Residence for Naturalization Purposes	\$305	\$330
N-565	Application for Replacement Naturalization/Citizenship Document	\$380	\$345
N-600/600K	Application for Certification of Citizenship/ Application for Citizenship and Issuance of Certificate under §322	\$460	\$600
Biometrics	Capturing, Processing, and Storing Biometric Information	\$80	\$85
	Civil Surgeon Designation	\$0	\$615
	Immigrant Visa	\$0	\$165