

Alert

November 25, 2019



USCIS Proposed Rule with Adjustments to Fee Schedule and Other Changes

The U.S. Department of Homeland Security (DHS) has proposed a rule that would make drastic changes to the USCIS fee schedule, many of which will negatively impact employers. If these fee changes are implemented, American businesses sponsoring foreign nationals for employment, both temporary and permanent, will face the dual burden of increased fees and decreased services. Application fees for green cards will, along with associated work and travel authorization, surge by 79 percent and citizenship filing fees will increase by a whopping 83 percent. Unfortunately, there's no evidence that this drastic increase in filing fees will have any impact on current backlogs and processing delays.

Although the weighted average increase of the fees is 21 percent, filing fees for naturalization applications, specifically the fees associated with Form N-400, will increase by 83 to 389 percent. The current fee to file the N-400 Application for Naturalization will increase from \$640 to \$1,170. The fees associated with L-1 petitions are proposed to increase by 77 percent, from \$460 to \$815, while the fees associated with H-1B petitions are proposed to increase by 22 percent, from \$460 to \$560. The fee to file I-485 Application to Adjust Status to Lawful Permanent Resident would decrease from \$1140 to \$1120; however, 485 applicants would be required to pay separately for work and travel authorization documents, fees which are currently included in the \$1,140 filing fee. The I-140 Immigrant Petition for Alien Worker filing fee will actually decrease from \$700 to \$545. The fee for premium processing service will increase from \$1410 to \$1440 (which will take effect on December 2, 2019), and the proposed rule seeks to increase the premium processing timeline from 15 calendar days to 15 business days. The DHS rule also proposes that different versions of Form I-129 should be filed with the new accompanying fees for each different visa classification, a departure from the current practice of submitting the standard Form I-129 with visa classification supplements.

In sum, the new DHS proposed rule will place additional burdens on employers seeking to sponsor nonimmigrant and immigrant workers. Other than the premium processing fee increase, which will go into effect on December 2, 2019, it is uncertain when the other fees will go into effect as the comment period for the proposed rule runs through December 16, 2019.

For more information on how the proposed DHS rule can impact your business, please reach out to immigration counsel at Cozen O'Connor.



Frances Rayer

Member

frayer@cozen.com
Phone: (215) 665-3704
Fax: (215) 665-2013

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