



# Fact Sheet

Sept. 23, 2010

## **After Public Comment, U.S. Citizenship and Immigration Services Announces Final Rule Adjusting Fees for Immigration Benefits**

### **Introduction**

U.S. Citizenship and Immigration Services (USCIS) today announced a [final rule](#) adjusting fees for immigration applications and petitions. The final rule follows a period of public comment on a proposed version of the rule, which USCIS published in the [Federal Register](#) on June 11, 2010. After encouraging stakeholders to share their input, USCIS considered all 225 comments received. The final rule will increase overall fees by a weighted average of about 10 percent but will not increase the fee for the naturalization application. The rule will also reduce fees for six individual applications and petitions and will expand the availability of fee waivers to new categories. The final rule will be published in the *Federal Register* September 24, and the adjusted fees will go into effect on November 23, 2010.

USCIS is a primarily fee-based organization with about 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 whether it is recovering its costs to administer the nation's immigration laws, process applications, and provide the infrastructure needed to support those activities. Remaining funds come from appropriations provided annually by Congress. The final fee rule concludes a comprehensive fee review begun in 2009.

### **USCIS's Fee-based Budget**

Fees account for approximately \$2.4 billion of USCIS's \$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.

The adjudication areas supported by fees include the following:

- **Family-based petitions** - facilitating the process for close relatives to immigrate, gain permanent residency, travel and work;
- **Employment-based petitions** - facilitating the process for current and prospective employees to immigrate to or stay in the U.S. temporarily;
- **Asylum and refugee processing** - adjudicating asylum and processing refugees;
- **Naturalization** - adjudicating eligibility for U.S. citizenship;
- **Special status programs** - adjudicating eligibility for U.S. immigration status as a form of humanitarian aid to foreign nationals; and
- **Document issuance and renewal** - verifying eligibility for, producing and issuing immigration documents.

USCIS's fee revenue in fiscal years 2008 and 2009 was much lower than projected, and 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. A fee adjustment, as detailed in the final rule, is necessary to ensure USCIS recovers the costs of its operations while also meeting the application processing goals identified in the 2007 fee rule.

### **Highlights of the 2010 Final Fee Rule**

The final fee rule will increase the average application and petition fees by approximately 10 percent. In recognition of the unique importance of naturalization, the final fee rule contains no increase in the naturalization application fee.

The final fee rule establishes three new fees for:

- Regional center designation under the Immigrant Investor Pilot Program (EB-5);
- Individuals seeking civil surgeon designation (with an exemption for certain physicians who examine servicemembers, veterans, and their families at U.S. government facilities); and
- Recovery of the USCIS cost of processing immigrant visas granted by the Department of State.

The final fee rule adjusts fees for the premium processing service. This adjustment will ensure that USCIS can continue to modernize as an efficient and effective organization.

The final fee rule reduces fees for six individual applications and petitions:

- Petition for Alien Fiancé (Form I-129F);
- Application to Extend/Change Nonimmigrant Status (Form I-539);
- Application to Adjust Status from Temporary to Permanent Resident (Form I-698);
- Application for Family Unity Benefits (Form I-817);
- Application for Replacement Naturalization/Citizenship Document (Form N-565); and
- Application for Travel Document (Form I-131), when filed for Refugee Travel Document.

The final fee rule 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).

Lastly, the final fee rule expands the availability of fee waivers to new categories, including:

- Individuals seeking humanitarian parole under an Application for Travel Document (Form I-131);
- Individuals with any benefit request under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008; and
- Individuals filing a Notice of Appeal or Motion (Form I-290B) following a denial of any application or petition that did not initially require a fee.

**Final Rule: Schedule of Fees**

The following schedule lists the adjusted fees that will take effect on November 23, 2010, alongside the existing fees in effect until that date:

| <b>Form No.</b>          | <b>Application/Petition Description</b>  | <b>Existing Fees<br/>(effective through<br/>Nov. 22,<br/>2010)</b> | <b>Adjusted Fees<br/>(effective beginning<br/>Nov. 23,<br/>2010)</b> |
|--------------------------|--|--|--|
| I-90                     | Application to Replace Permanent Resident Card   | \$290  | \$365  |
| I-102                    | Application for Replacement/Initial Nonimmigrant Arrival-Departure Document                                      | \$320  | \$330  |
| I-129/129CW              | 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                    | Application for Advance Permission to Return to Unrelinquished Domicile  | \$545  | \$585  |
| I-192                    | Application for Advance Permission to Enter as Nonimmigrant  | \$545  | \$585  |
| I-193                    | Application for Waiver of Passport and/or Visa   | \$545  | \$585  |
| I-212                    | Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal                   | \$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<br>I-800/800A | Petition to Classify Orphan as an Immediate Relative/Application for Advance Processing of Orphan Petition       | \$670  | \$720  |
| I-601                    | Application for Waiver of Ground of Excludability  | \$545  | \$585  |
| I-612                    | Application for Waiver of the Foreign Residence Requirement  | \$545  | \$585  |
| I-687                    | Application for Status as a Temporary Resident under Sections 245A or 210 of the Immigration and Nationality Act | \$710  | \$1,130  |
| I-690                    | Application for Waiver of Grounds of Inadmissibility   | \$185  | \$200  |
| I-694                    | Notice of Appeal of Decision under Sections 245A or 210 of the Immigration and Nationality Act                   | \$545  | \$755  |
| I-698                    | Application to Adjust Status from Temporary to Permanent Resident (Under Section 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 an Approved Application or Petition  | \$340  | \$405  |
| I-829                    | Petition by Entrepreneur to Remove Conditions  | \$2,850  | \$3,750  |

| <b>Form No.</b> | <b>Application/Petition Description</b>   | <b>Existing Fees<br/>(effective through<br/>Nov. 22,<br/>2010)</b> | <b>Adjusted Fees<br/>(effective beginning<br/>Nov. 23,<br/>2010)</b> |
|-----------------|---|--|--|
| I-881           | Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-110) | \$285  | \$285  |
| I-907           | Request for Premium Processing Service  | \$1,000  | \$1,225  |
|                 | Civil Surgeon Designation   | \$0  | \$615  |
| 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-400           | Application for Naturalization  | \$595  | \$595  |
| N-470           | Application to Preserve Residence for Naturalization Purposes   | \$305  | \$330  |
| N-565           | Application for Replacement Naturalization/Citizenship Document   | \$380  | \$345  |
| N-600/<br>600K  | Application for Certification of Citizenship/ Application for Citizenship and Issuance of Certificate under Section 322           | \$460  | \$600  |
|                 | Immigrant Visa  | \$0  | \$165  |
| Biometrics      | Capturing, Processing, and Storing Biometric Information  | \$80   | \$85   |