

USCIS Proposes Significant Fee Increases for Immigration Services; Will Impact U.S. Employers and Foreign Investors

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On January 4, 2023, U.S. Citizenship and Immigration Services (USCIS) issued a [Notice of Prospective Rulemaking](#) proposing a sweeping fee hike for immigration services across the board. The proposed fee increases range between 40 percent to 200 percent over the current fee schedule.

The steepest fee increases involve petitions for employment and investment immigration benefits. The steep increases could have significant implications for employers that rely on a global talent pool.

USCIS only receives a small fraction of its funding from Congress. The vast majority (approximately 96 percent) of its budget comes from filing fees paid by immigration applications and U.S. companies sponsoring foreign workers. Currently, USCIS is experiencing a significant backlog of immigration petitions, and the proposed fee increases are designed to boost revenues to allow USCIS to hire additional staff. USCIS officials say the existing fee schedule is insufficient to meet the agency's needs and would create a nearly \$2 billion annual budget shortfall.

But many employers say the proposed fee increases will adversely affect U.S. businesses, particularly small employers and non-profits. In particular, critics say the fee hikes will negatively impact companies that hire foreign labor to fill high-tech positions as well as low-skilled position in the service industries.

Foreign companies and investors also have indicated that the proposed fee may have a chilling effect on foreign investment in the U.S., especially because the proposed fee hikes are not concomitant with better and faster service levels. Currently, companies seeking to employ or transfer foreign nationals to work in the U.S, either temporarily or through a permanent residence process, often have to wait two to three years to complete the process. Will the fee increases allow USCIS to speed up this process? That remains to be seen.

The steepest increases are reserved for foreign investors who decide to invest between \$800,000 to over \$1,000,000 in the U.S. and create 10 US jobs at a minimum. Those applications went from \$3,675 per investor to \$11,160. Similarly, the application cost to become designated as a Regional Center will increase from \$17,785 to \$47,695.

Other proposed fee increases include:

- H-1 nonimmigrant worker from \$460 to \$780;
- H-2A agricultural worker from \$460 to \$1,090, and
- H-2B seasonal worker from \$460 to \$1,080.
- O-1 nonimmigrant workers (“exceptional workers”) from \$460 to \$1,055.

The fee increases will not go into effect until the Notice of Prospective Rulemaking is published in the Federal Register and a 60-day public comment period is subsequently held. Employers who are on the fence about obtaining visas in the near future may wish to take advantage of this brief window of opportunity and secure those visas before the fee increases take effect.

[A full table of the proposed fee increases is available here.](#)

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