

United States | Lawsuit Aims to Stop Fee Rule Increases Set to Take Effect April 1

Article By:

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Groups representing employers and visa applicants sued the Department of Homeland Security Tuesday, aiming to stop dramatic increases to immigration filing fees from taking effect.

Key Points:

- The Department of Homeland Security published a final rule on Jan. 31 to increase U.S. Citizenship and Immigration Services filing fees for the first time since 2016. Under the rule, base fee levels will increase significantly; for example, the fee for an H-1B petition will increase from \$460 to \$780. The final rule also includes a \$600 Asylum Program Fee that will be charged for each Form I-129 and Form I-140 filing.
- The plaintiffs in the case allege that the government did not follow proper steps in drafting the fee rule. They asked a federal court in Colorado to halt the implementation of the fees while the litigation plays out. At this time, the fee increases are still scheduled to take effect April 1.
- The plaintiffs include the IT Service Alliance (“ITServe”), a trade group representing small- and medium-sized information technology companies; the American Immigrant Investor Alliance, a nonprofit organization created to advocate on behalf of EB-5 investors; and a Canadian citizen who holds conditional permanent residency as an EB-5 investor. The full complaint is available [here](#).

BAL Analysis: While the lawsuit hopes to halt the implementation of the fee increases, employers at this time should still plan for the new fee rates to take effect April 1. BAL will continue following the litigation and will provide updates as information becomes available.

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