



News Release

June 9, 2010

U.S. Citizenship and Immigration Services Seeks Public Comment on Proposal to Adjust Fees for Immigration Benefits

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) is seeking public comment on a proposed federal rule that would adjust fees for immigration benefit applications and petitions. The proposal, posted to the *Federal Register* today for public viewing, would increase overall fees by a weighted average of about 10 percent but would not increase the fee for the naturalization application.

USCIS is a fee-based organization with about 90 percent of its budget coming from fees paid by applicants and petitioners to obtain 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. This proposed rule results from a comprehensive fee review begun in 2009.

“We are mindful of the effect of a fee increase on the communities we serve and have worked hard to minimize the size of the proposed increase through budget cuts and other measures,” said USCIS Director Alejandro Mayorkas. “Requesting and obtaining U.S. citizenship deserves special consideration given the unique nature of this benefit to the individual applicant, the significant public benefit to the Nation, and the nation's proud tradition of welcoming new citizens. Recognizing the unique importance of naturalization, we propose that the naturalization application fee not be increased.”

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, budget cuts of approximately \$160 million have not bridged the remaining gap between costs and anticipated revenue. A fee adjustment, as detailed in the proposed 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.

The proposed fee structure would establish three new fees, including a fee for regional center designations under the Immigrant Investor Pilot Program, a fee for individuals seeking civil surgeon designation and a fee to recover USCIS's cost of processing immigrant visas granted by the Department of State. The proposed fee structure also reduces fees for certain individual applications and petitions as a result of lower processing costs.

USCIS encourages formal comments on the proposed rule through www.regulations.gov. The comment period runs for 45 days, beginning June 11, 2010 and ending July 26, 2010. A detailed Fact Sheet and Questions and Answers on the proposed fee schedule accompany this News Release. Additional detail on the methodology and data USCIS used to develop these fees will be available at www.regulations.gov on June 11, 2010. For more information on USCIS and its programs and services, please visit www.uscis.gov.

- USCIS -



Fact Sheet

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Introduction

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Background

USCIS is a fee-based organization with about 90 percent of its budget coming from fees paid by applicants and petitioners to obtain 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. This proposed rule results from a comprehensive fee review begun in 2009.

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, budget cuts of approximately \$160 million have not bridged the remaining gap between costs and anticipated revenue. A fee adjustment, as detailed in the proposed 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 2010 Proposed Fee Rule

The proposed fee rule would increase the average application and petition fees by approximately 10 percent.

Understanding the unique importance of naturalization, USCIS is proposing that the naturalization application fee not be increased.

The proposed rule would establish three new fees for:

- Regional center designation under the Immigrant Investor Pilot Program (EB-5);
- Individuals seeking civil surgeon designation; and
- Recovery of the cost of processing immigrant visas granted by the Department of State.

The rule also proposes to adjust fees for the premium processing service. This would ensure that USCIS can continue to modernize to become a more efficient and effective organization.

The proposed fee structure also reduces fees for five individual applications and petitions as a result of lower processing costs:

- 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); and
- Application for Replacement Naturalization/Citizenship Document (Form N-565).

Current and Proposed Immigration Fees

Application/Petition Description	Current Fees	Proposed Fees
I-90 Application to Replace Permanent Resident Card	\$290	\$365
I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	\$320	\$330
I-129 Petition for a Nonimmigrant worker	\$320	\$325
I-129F Petition for Alien Fiance(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-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 a Temporary Resident	\$710	\$1,130
I-690 Application for Waiver on Grounds of Inadmissibility	\$185	\$200
I-694 Notice of Appeal of Decision	\$545	\$755
I-698 Application to Adjust Status From Temporary to Permanent Resident	\$1,370	\$1,020
I-751 Petition to Remove Conditions on 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
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/N-600K Naturalization Certificate Applications	\$460	\$600
Waiver Forms (I-191, I-192, I-193, I-212, I-601, I-612)	\$545	\$585
Immigrant Visa	\$0	\$165
Biometric Services	\$80	\$85



Questions and Answers

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USCIS's fee revenue in fiscal years 2008 and 2009 was much lower than projected, and fee revenue in fiscal year (FY) 2010 remains low. While USCIS did receive appropriations from Congress, budget cuts of approximately \$160 million have not bridged the remaining gap between costs and declining revenue. A fee adjustment, as detailed in the proposed rule, is necessary to address that gap.

Questions & Answers

Q1. Will the proposed fees go into effect right away?

A1. No. The proposed rule provides for a 45-day public comment period. After receipt and analysis of the comments, USCIS will draft a final rule addressing the public input. It is important to note that a proposed rule *does not and cannot* by itself raise any immigration benefit application fees. Publication of the proposed rule is only the beginning of this regulatory process where USCIS announces its proposal to adjust fees and solicits public comments on that proposal.

Q2. What is the overall proposed adjustment?

A2. The weighted average increase for application and petition fees will be approximately 10 percent.

Q3. Why didn't USCIS propose a change in the naturalization application fee?

A3. USCIS has determined that the act of requesting and obtaining U.S. citizenship deserves special consideration given the unique nature of this benefit to the individual applicant, the significant public benefit to the nation, and the nation's proud tradition of welcoming new citizens. USCIS believes this action to retain the naturalization fee at the current level will reinforce these principles, allow more immigrants to fully participate in civic life, and is consistent with other USCIS efforts to promote immigrant integration.

