

MEDIA NOTE: Proposal for Increase of Non-Immigrant Visa Application Fees

December 14, 2009

On December 14, 2009, the Department of State published a proposed rule in the Federal Register to increase the nonimmigrant visa application processing fees, also called the Machine-Readable Visa (MRV) fee, and Border Crossing Card (BCC) fees. The proposed rule also establishes a tiered structure with separate fees for different visa categories.

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The Department is proposing the increase to ensure sufficient resources to cover the increasing cost of processing nonimmigrant visas (NIVs). This increase applies both to non-immigrant visas placed in passports and to border crossing cards issued to certain adult applicants in Mexico.

The new tiered fee structure was created to cover the higher unit costs for processing certain categories of nonimmigrant visas that are more complicated and require more in-depth consideration than most other categories of nonimmigrant visas. U.S. law requires the Department to attempt to recover the cost of processing non-immigrant visas through the collection of the application fees. Because of ongoing process and security enhancements, the \$131 fee set on January 1, 2008 is lower than the current, actual cost of processing non-immigrant visas.

Under the proposed rule, applicants for all visas that are not petition-based, including B1/B2 tourist and business visitor visas and all student and exchange-visitor visas, would pay a fee of \$140.

Applicants for petition-based visas would pay an application fee of \$150. These categories include:

- H visa for temporary workers and trainees
- L visa for intracompany transferees
- O visa for aliens with extraordinary ability
- P visa for athletes, artists and entertainers
- Q visa for international cultural exchange visitors
- R visa for religious occupations

The application fee for K visas for fiancé(e)s of U.S. citizens would be \$350. The fee for E visas for treaty-traders and treaty-investors would be \$390.

The Department will not begin collecting the new proposed fees until it considers public comments and publishes a final rule. In order to view the proposed rule and to submit comments, please go to www.regulations.gov.

FAQ

Q: Why is the Department of State proposing to increase the basic nonimmigrant visa application fee to \$140 from its current \$131?

A: The Department is required by law to recover the cost of processing nonimmigrant visas through the collection of the MRV fee. Periodically, independent contractors conduct a Cost of Service Study to determine direct and indirect costs to the U.S. Government of providing consular services, such as nonimmigrant visas. Such a study was completed in June using an activity-based costing model, which is standard for estimating the cost of government services. The Study determined that the cost of accepting, adjudicating, and issuing nonimmigrant visas will be greater than \$131 in Fiscal Year 2010, which began October 1, 2009. Also, since the last fee increase in 2008, there have been new security-related costs, new IT systems have been put in place, and there is a new mandate from Congress to charge nonimmigrant visa applicants \$1 to support programs to combat trafficking in persons.

Q: When do the new processing fees go into effect?

A: The Department is proposing these new fees in a Federal Register notice, but will not implement them until it reviews and considers any comments received from

the public and publishes a final rule. Applicants must start paying the new processing fees once the Department publishes that second, final rule.

Q: Why is the Department of State establishing new, higher fees for certain types of nonimmigrant visas which previously cost \$131, the same as all other nonimmigrant visas?

A: An independent study of consular operations costs shows that certain categories of nonimmigrant visas are more complicated and require more in-depth consideration than most other categories of nonimmigrant visas. Therefore, those categories of nonimmigrant visas have higher unit costs. The cost of accepting, adjudicating, and issuing the following categories of visas are appreciably higher than for other categories: E (treaty trader and investor); H (temporary worker or trainee); K (fiancé(e)); L (intra-company transferee); O (alien with extraordinary ability); P (athlete, artist or entertainer); Q (international cultural exchange visitors); and R (religious worker). Each of these visa categories requires a review of extensive documentation and a more in-depth interview of the applicant than other categories, such as tourists.

Q: Will this fee increase discourage people from traveling to the United States?

A: The proposed fees accurately reflect the processing costs incurred and regulations require full cost recovery through fees. Past increases in nonimmigrant visa fees did not negatively impact the number of applications received worldwide. The Department is aware that this fee increase may suppress the demand for nonimmigrant visas in some countries. However, the cost is still small compared to the cost of round-trip airfare from most countries to the United States. Most visas issued worldwide are tourist visas with a validity of ten years, meaning the bearer can visit the United States as often as he or she likes for ten years.

Q: Will other countries respond by increasing the visa fees they charge American citizens?

A: While some countries may increase visa fees, we expect many will not because, under the principle of reciprocity, we will be able to offset the nonimmigrant fees increase with a simultaneous reduction in reciprocity fees. For some countries, the combined total of nonimmigrant visa fees and reciprocal issuance fees will remain the same.

Q: How does this MRV processing fee differ from reciprocal issuance fees?

A: The MRV processing fee is paid by all visa applicants, worldwide, with certain limited exceptions, for example, those pertaining to government officials. It must be paid in advance, whether or not the visa is granted. The reciprocal issuance fee is an additional charge paid by visa applicants from certain countries in certain categories and is based on similar fees U.S. citizens are charged for visas to visit those countries. The reciprocity fee is charged only if the visa is granted.
