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Immigration Filing Fees are Expected to Rise by the End of 2010 or Beginning of 2011

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On June 9, 2010, the U.S. Citizenship and Immigration Services (USCIS) announced that it has proposed a new fee rule to increase (weighted average of about 10%) the immigration filing fees as a result of projected revenue shortfall of approximately $200 million in Fiscal Year of 2010 (projected costs of $2.3 billions with a $2.1 billions in projected revenue). The proposed fee rule seeks to establish new fees for certain procedures or cases (such as immigrant investor visas); and an increase in filing fees for many types of immigration filings such as green card cases, applications for employment authorization document, applications for renewal/replacement of green card, temporary work visas. There is no proposed filing fee increase for naturalization or U.S. citizenship applications.

Applicants who are unable to afford the USCIS filing fees may submit an “inability to pay” request to the USCIS to waive the filing fee requirement(s). The USCIS grants fee waiver on a case-by-case basis after considering the totality of the circumstances presented.

The proposed fee increase is important to the eventual continuous, efficient and smooth functioning of the USCIS because over 90% of its budget is derived from filing fees from immigration filings and cases.

The proposed fee rule has been formerly published at the Federal Register today (June 11, 2010) for 45 days, and a final rule is expected to be published at the end of this year.

By Aik Wan Kok, Attorney at Law, at Tiya PLC; Tel: 202-506-9767
www.tiyaimmigration.com ; http://tiyalaw.blogspot.com ; www.immigrationresource.net

We represent companies, and individuals and their families in U.S. immigration law such as green card, work visa and waiver matters. We represent clients within the U.S. and abroad.

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