

One Minute Memo[®]



Significant Increase in Immigration Filing Fees

On May 29, 2007, United States Citizenship & Immigration Services (USCIS) announced that its filing fees will increase, effective July 30, 2007. Any petition or application filed on or after July 30 must be accompanied by the new fee. A copy of the full USCIS fee schedule is attached to this One Minute Memo[®].

Most notably, the USCIS instituted significant increases to the fees for employment-based nonimmigrant petitions, such as H-1B, L-1, TN, and O-1, and employment-based immigrant petitions, such as I-140, I-485, Advance Parole, and Employment Authorization. For example, the filing fee for an H-1B work permit increases by \$130 per worker per filing. For an I-140 petition, the fee increased by \$280 to \$475. The largest increases affect the I-485, Application for Permanent Residence, where it will now cost a family of four \$3,220 in filing fees, up from \$1,240.

Any application filed with USCIS on or before July 27, 2007 will not be subject to the fee increase. Employers may wish to identify foreign national employees whose work permits expire before January 27, 2008 so that renewal applications can be prepared and filed prior to the filing fee increase (given that renewal requests may be filed up to six months in advance of expiration). In addition, any I-485 filings in the process of being prepared should be filed prior to July 27.

If you have any questions concerning this One Minute Memo[®], please consult the Seyfarth Shaw LLP attorney with whom you work or any immigration attorney on the website at www.seyfarth.com.

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USCIS Fee Schedule

Effective: July 30, 2007

USCIS fees change on July 30, 2007. This fee schedule applies if you file on or after that date. The fees listed below include both the filing fee and any required biometric fees.

Form #	Purpose	Fee
I 90	Renew or replace your Permanent Resident Card (green card)	
	If filing to renew your card within 30 days of turning 14	No fee
	All others where a fee is required: filing + biometric=	\$ 370
I 102	Replace or receive an I-94 Nonimmigrant Arrival-Departure Record	\$ 320
I 129	Petition for Nonimmigrant Worker	\$ 320
	Note: Petitions for H-1B, H2B and L-1 workers must also include the supplemental fees and fraud prevention fees described on the form. Those fee amounts are unchanged.	
I 129F	Fianceé Petition	
	General fiancée petition:	\$ 455
	For K-3 status based on an immigrant petition filed by the same U.S. citizen husband or wife:	No fee
I 130	Relative Petition	\$ 355
I 131	Reentry permit, refugee travel document or advance parole	
	Reentry permit or refugee travel document	\$ 305
	Advance Parole	\$ 305
I 140	Petition for an Immigrant Worker	\$ 475
I 191	Permission to return to an unrelinquished domicile	\$ 545
I 192	Advance permission to enter as a Nonimmigrant	\$ 545
I 193	Waive passport and/or visa requirement to enter the U.S.	\$ 545
I 212	Permission to reapply for Admission to the U.S. after deportation or removal	\$ 545
I 290B	Appeal; Motion to Reopen or Reconsider	\$ 585
I 360	Petition for AmerAsian, Widow(er) of U.S.C. or Special Immigrant	
	For AmerAsian	No fee
	Self-petitioning battered or abused spouse, parent or child of a U.S. citizen or Permanent Resident	No fee
	Special Immigrant Juvenile	No fee
	All others	\$ 375
I 485	Adjust status and become a permanent resident while in the U.S.	
	Applying based on your having been admitted to the U.S. as a refugee	No fee
	All other eligibility-	
	If under 14 and - filing with the I-485 application of at least one parent:	\$ 600
	not filing with the I-485 application of at least one parent:	\$ 930
	If 79 or older	\$ 930
	All others: filing + biometric=	\$ 1,010
	Note: The penalty fee, where it applies, is in addition to the above fees, and is unchanged.	
I 526	Investor Petition	\$ 1,435
I 539	Extend stay as Nonimmigrant or change Nonimmigrant status	\$ 300
I 589	Asylum	No fee
I 600A	Advance processing for Orphan Petition -	\$750 (filing + biometric) for you + \$ 80 biometric fee for each person 18 or older living with you
	Note: If you already have an approved I-600A that is about to expire, and have not yet filed your I-600 petition, you can receive one free extension of your I-600A by filing a new I-600A without fee before the first expires.	
I 600	Orphan Petition	
	If based on an approved I-600A	No fee
	Otherwise	\$750 (filing + biometric) for you + \$ 80 biometric fee for each person 18 or older living with you
I 601	Waive grounds of excludability	\$ 545
I 612	Waive foreign residence requirement	\$ 545
I-730	Refugee/Asylee Relative Petition	No fee
I 751	Remove conditions on your Permanent Resident status	\$ 545 (filing + biometric) for you + \$80 biometric fee for each dependent you include in your application
I 765	Employment Authorization /Employment Authorization Document (EAD)	\$ 340
I 821	Temporary Protected Status (TPS) Program	
	First time applicant	If under 14 and not applying for an EAD \$ 50
		Otherwise: filing + biometric= \$ 130
	Renewal or re-registration: biometric=	\$ 80
I 824	Follow-up action on an approved application or petition	\$ 340

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USCIS Fee Schedule

Effective: July 30, 2007

Form #	Purpose	Fee
I 829	Remove conditions on Permanent Resident status (investor)	\$ 2,930 (filing + biometric) for you + \$80 biometric fee for each dependent you include in your application
I 881	NACARA – suspension of deportation or special rule	
	Filed with USCIS - A base filing fee of \$ 285 per person, with a base fee family cap of \$ 570 for applications filed together by a husband, wife and unmarried children. Each applicant must also pay an \$ 80 biometric fee.	
	Filed with the Immigration Court	\$ 165
I 905	Authorization for organization to issue certification to health care workers	\$ 230
I 907	Premium processing fee	\$ 1,000
I 914	For 'T' nonimmigrant status	No fee
U.S. Citizenship		
N 300	To file Declaration of Intent to apply for U.S. Citizenship	\$ 235
N 336	Request hearing on decision on naturalization application	\$ 605
N 400	Naturalization (to become a U.S. citizen)	Through service in the U.S. armed forces All others: filing + biometric=
		No fee \$ 675
N 470	Preserve residence for naturalization purposes	\$ 305
N 565	Replace Naturalization/Citizenship Certificate	\$ 380
N 600	Recognition of U.S. citizenship	for biological child
N 600K		for adopted child
		\$ 460 \$ 420
N 644	Posthumous citizenship	No fee
Programs under the 1986 Legalization and Special Agricultural Worker (SAW) Programs		
I 687	Become a Temporary Resident: filing + biometric=	\$ 790
I 690	Waive grounds of Excludability	\$ 185
I 694	Appeal	\$ 545
I 695	Replace Temporary Resident Card or Employment Authorization Document: filing + biometric=	\$ 210
I 698	Temporary Resident's application for permanent resident status	
	Filed within 31 months after granted temporary residence: filing + biometric=	\$ 1,450
	Filed later: filing + biometric=	\$ 1,490
I 817	Status under Family Unity Program	
	If under 14	\$ 440
	All others: filing + biometric=	\$ 520

Please be sure you include the correct fee. Cases with the wrong fee will be rejected. Your payment must be in U.S. dollars. Checks and money orders must be from U.S. institutions. Do not mail cash. Checks are accepted subject to collection. Make your check out to "Department of Homeland Security" except that:

- If you are filing an I-881 with the Immigration Court make your payment out to "Department of Justice".
- If you live in Guam, make your payment out to "Treasurer, Guam".
- If you live in the U.S. Virgin Islands, make your payment out to "Commissioner of Finance of the Virgin Islands".

Please spell the name out completely. Do not use initials, such as DHS. Filing and biometric fees cannot be refunded. We may use electronic check conversion for the payment process. Our returned check fee is \$30.

Fee waivers – USCIS has already waived fees for certain kinds of cases and circumstances. In certain other instances an applicant or petitioner who believes that they are financially unable to pay that fee even though others must pay that fee can apply for a fee waiver. Waiver requests can only be considered for the following forms – I-90; I-751; I-765; I-817; N-300; N-400; N-470; N-565; N-600; N-600k; the I-485 if adjustment of status if based on asylum status, on 'T' or 'U' nonimmigrant status, on an approved self-petitioning battered or abused spouse, parent or child of a U.S. citizen or Permanent Resident, or to whom the public charge provisions do not apply; and the I-290B and N-336 appeals and motions for the above forms. For more information about how to apply, and how to prove eligibility for a waiver, see our website or call us at 1-800-375-5283.

Copies of documents – If you are applying to renew or replace a card or USCIS document, and the instructions say to include your current one when you apply, then you must submit your actual card or document. For all other applications and petitions you can submit legible photocopies of documents such as a Naturalization Certificate, birth certificate, marriage certificate, divorce decree or Permanent Resident Card. Any copy must be a complete copy of the front and back. As we process your case we may ask you for the original for verification.

Adjustment applications and ancillary benefits – The new application fee for an I-485 is a package fee that includes associated EAD and advance parole applications. Thus, if you file an I-485 with the fee listed above, while you will still need to submit applications for an EAD and advance parole, you will not need to pay a separate fee so long as your adjustment application is pending. However, if you filed your I-485 before this fee change, to apply for or renew your EAD or advance parole, you must file a new application with the new fee for those applications.