



News Release

Sept. 23, 2010

After Public Comment, U.S. Citizenship and Immigration Services Announces Final Rule Adjusting Fees for Immigration Benefits

Rule does not increase the naturalization application fee

WASHINGTON – U.S. Citizenship and Immigration Services (USCIS) today announced a [final rule](#) adjusting fees for immigration applications and petitions. The final rule follows a period of public comment on a proposed rule, which USCIS published in the [Federal Register](#) on June 11, 2010. After encouraging stakeholders to share their input, USCIS considered all 225 comments received. The final rule will increase overall fees by a weighted average of about 10 percent but will not increase the fee for the naturalization application. The final rule will be published in the *Federal Register* tomorrow, September 24, and the adjusted fees will go into effect on November 23, 2010.

“USCIS is grateful for the valuable public input that we received as we prepared the final fee rule,” said USCIS Director Alejandro Mayorkas. “We remain mindful of the effect of fee increases on the communities we serve, and we will continue to work to enhance the services we provide.”

The final fee rule establishes three new fees, including a fee for regional center designations under the Immigrant Investor (EB-5) Pilot Program, a fee for individuals seeking civil surgeon designation, and a fee to recover USCIS costs to process immigrant visas granted by the Department of State. Additionally, the final rule reduces and eliminates several fees, including some for servicemembers and certain veterans of the U.S. armed forces who are seeking citizenship-related benefits. The final rule also expands the availability of fee waivers to additional categories.

USCIS is a primarily fee-based organization, with about 90 percent of its budget coming from fees paid by applicants and petitioners for immigration benefits. The law requires USCIS to conduct fee reviews every two years to determine the funding levels necessary to administer the nation’s immigration laws, process immigration benefit requests and provide the infrastructure needed to support those activities. The final fee rule announced today concludes a comprehensive 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 received appropriations from Congress and made budget cuts of approximately \$160 million, this has not bridged the remaining gap between costs and anticipated revenue. A fee adjustment, as detailed in the final rule announced today, is necessary to ensure USCIS recovers the costs of its operations while also meeting the application processing goals identified in the 2007 fee rule.

A detailed Fact Sheet and a set of Questions and Answers on the final fee rule accompany this News Release. To read the final rule, please see the [Federal Register](#) announcement. For more information on USCIS and its programs, visit www.uscis.gov.

– USCIS –



Fact Sheet

Sept. 23, 2010

After Public Comment, U.S. Citizenship and Immigration Services Announces Final Rule Adjusting Fees for Immigration Benefits

Introduction

U.S. Citizenship and Immigration Services (USCIS) today announced a [final rule](#) adjusting fees for immigration applications and petitions. The final rule follows a period of public comment on a proposed version of the rule, which USCIS published in the [Federal Register](#) on June 11, 2010. After encouraging stakeholders to share their input, USCIS considered all 225 comments received. The final rule will increase overall fees by a weighted average of about 10 percent but will not increase the fee for the naturalization application. The rule will also reduce fees for six individual applications and petitions and will expand the availability of fee waivers to new categories. The final rule will be published in the *Federal Register* September 24, and the adjusted fees will go into effect on November 23, 2010.

USCIS is a primarily fee-based organization with about 90 percent of its budget coming from fees paid by applicants and petitioners for 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. Remaining funds come from appropriations provided annually by Congress. The final fee rule concludes a comprehensive fee review begun in 2009.

USCIS's Fee-based Budget

Fees account for approximately \$2.4 billion of USCIS's \$2.8 billion budget request for fiscal year (FY) 2011. More than two-thirds of the budget supports the adjudication of applications and petitions for immigration benefits at USCIS field offices, service centers, customer service call centers and records facilities. The remainder supports USCIS business transformation efforts and the funding of headquarters program offices.

The adjudication areas supported by fees include the following:

- **Family-based petitions** - facilitating the process for close relatives to immigrate, gain permanent residency, travel and work;
- **Employment-based petitions** - facilitating the process for current and prospective employees to immigrate to or stay in the U.S. temporarily;
- **Asylum and refugee processing** - adjudicating asylum and processing refugees;
- **Naturalization** - adjudicating eligibility for U.S. citizenship;
- **Special status programs** - adjudicating eligibility for U.S. immigration status as a form of humanitarian aid to foreign nationals; and
- **Document issuance and renewal** - verifying eligibility for, producing and issuing immigration documents.

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 and made budget

cuts of approximately \$160 million, this has not bridged the remaining gap between costs and anticipated revenue. A fee adjustment, as detailed in the final 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 the 2010 Final Fee Rule

The final fee rule will increase the average application and petition fees by approximately 10 percent. In recognition of the unique importance of naturalization, the final fee rule contains no increase in the naturalization application fee.

The final fee rule establishes three new fees for:

- Regional center designation under the Immigrant Investor Pilot Program (EB-5);
- Individuals seeking civil surgeon designation (with an exemption for certain physicians who examine servicemembers, veterans, and their families at U.S. government facilities); and
- Recovery of the USCIS cost of processing immigrant visas granted by the Department of State.

The final fee rule adjusts fees for the premium processing service. This adjustment will ensure that USCIS can continue to modernize as an efficient and effective organization.

The final fee rule reduces fees for six individual applications and petitions:

- 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);
- Application for Replacement Naturalization/Citizenship Document (Form N-565); and
- Application for Travel Document (Form I-131), when filed for Refugee Travel Document.

The final fee rule eliminates two citizenship-related fees for those service members and veterans of the U.S. armed forces who are eligible to file an Application for Naturalization (Form N-400) with no fee:

- Request for Hearing on a Decision in Naturalization Proceedings (Form N-336); and
- Application for Certificate of Citizenship (Form N-600).

Lastly, the final fee rule expands the availability of fee waivers to new categories, including:

- Individuals seeking humanitarian parole under an Application for Travel Document (Form I-131);
- Individuals with any benefit request under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008; and
- Individuals filing a Notice of Appeal or Motion (Form I-290B) following a denial of any application or petition that did not initially require a fee.

Final Rule: Schedule of Fees

The following schedule lists the adjusted fees that will take effect on November 23, 2010, alongside the existing fees in effect until that date:

| Form No. | Application/Petition Description | Existing Fees (effective through Nov. 22, 2010) | Adjusted Fees (effective beginning Nov. 23, 2010) |
|--------------------------|--|--|--|
| I-90 | Application to Replace Permanent Resident Card | \$290 | \$365 |
| I-102 | Application for Replacement/Initial Nonimmigrant Arrival-Departure Document | \$320 | \$330 |
| I-129/129CW | Petition for a Nonimmigrant Worker | \$320 | \$325 |
| I-129F | Petition for Alien Fiancé(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-191 | Application for Advance Permission to Return to Unrelinquished Domicile | \$545 | \$585 |
| I-192 | Application for Advance Permission to Enter as Nonimmigrant | \$545 | \$585 |
| I-193 | Application for Waiver of Passport and/or Visa | \$545 | \$585 |
| I-212 | Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal | \$545 | \$585 |
| 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 I-800/800A | Petition to Classify Orphan as an Immediate Relative/Application for Advance Processing of Orphan Petition | \$670 | \$720 |
| I-601 | Application for Waiver of Ground of Excludability | \$545 | \$585 |
| I-612 | Application for Waiver of the Foreign Residence Requirement | \$545 | \$585 |
| I-687 | Application for Status as a Temporary Resident under Sections 245A or 210 of the Immigration and Nationality Act | \$710 | \$1,130 |
| I-690 | Application for Waiver of Grounds of Inadmissibility | \$185 | \$200 |
| I-694 | Notice of Appeal of Decision under Sections 245A or 210 of the Immigration and Nationality Act | \$545 | \$755 |
| I-698 | Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of Public Law 99-603) | \$1,370 | \$1,020 |
| I-751 | Petition to Remove the Conditions of 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 |

| Form No. | Application/Petition Description | Existing Fees (effective through Nov. 22, 2010) | Adjusted Fees (effective beginning Nov. 23, 2010) |
|-----------------|---|--|--|
| I-881 | Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-110) | \$285 | \$285 |
| I-907 | Request for Premium Processing Service | \$1,000 | \$1,225 |
| | 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/ 600K | Application for Certification of Citizenship/ Application for Citizenship and Issuance of Certificate under Section 322 | \$460 | \$600 |
| | Immigrant Visa | \$0 | \$165 |
| Biometrics | Capturing, Processing, and Storing Biometric Information | \$80 | \$85 |



Questions and Answers

Sept. 23, 2010

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Introduction

U.S. Citizenship and Immigration Services (USCIS) today announced a [final rule](#) adjusting fees for immigration applications and petitions. The final rule follows a period of public comment on a proposed version of the rule, which USCIS published in the [Federal Register](#) on June 11, 2010. After encouraging stakeholders to share their input, USCIS considered all 225 comments received. The final rule will increase overall fees by a weighted average of about 10 percent but will not increase the fee for the naturalization application. The rule will also reduce fees for six individual applications and petitions and will expand the availability of fee waivers to new categories. The final rule will be published in the *Federal Register* September 24, and the adjusted fees will go into effect on November 23, 2010.

USCIS is a primarily fee-based organization with about 90 percent of its budget coming from fees paid by applicants and petitioners for 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. Remaining funds come from appropriations provided annually by Congress. The final fee rule concludes a comprehensive fee review begun in 2009.

Questions and Answers: Highlights of 2010 Fee Rule

Q. What are some of the major features of the 2010 fee rule?

The fee rule will increase the average application and petition fees by approximately 10 percent. In addition, the fee rule:

- Contains no increase in the naturalization application fee, in recognition of the unique importance of naturalization.
- Establishes new fees for regional center designation under the Immigrant Investor Pilot Program (EB-5); individuals seeking civil surgeon designation (with an exemption for certain physicians who examine servicemembers, veterans, and their families at U.S. government facilities); and the recovery of the USCIS cost of processing immigrant visas granted by the Department of State.
- Adjusts fees for the premium processing service to ensure that USCIS can continue to modernize as an efficient and effective organization.
- Reduces fees for six individual applications and petitions: 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); Application for Replacement Naturalization/Citizenship Document (Form N-565); and Application for Travel Document (Form I-131), when filed for Refugee Travel Document.
- Eliminates two citizenship-related fees for those servicemembers and veterans of the U.S. armed forces who are eligible to file an Application for Naturalization (Form N-400) with no fee: Request for Hearing on a Decision in Naturalization Proceedings (Form N-336) and Application for Certificate of Citizenship (Form N-600).
- Expands fee-waiver eligibility to certain applicants and petitioners, including individuals seeking to appeal the denial of underlying applications or petitions that required no fee, individuals

applying for humanitarian parole with an Application for Travel Document (Form I-131), and individuals with an Application to Extend/Change Nonimmigrant Status (Form I-539) who are covered under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

Q. Why didn't USCIS increase the naturalization application fee?

A. 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 that holding the naturalization fee at the current level will reinforce these principles, allow more immigrants to fully participate in civic life, and complement other USCIS efforts to promote immigrant integration.

Q. What has changed in the final rule from the proposed rule published in June?

A. USCIS received and considered 225 public comments on the [proposed fee rule](#). The final rule acknowledges the comments received from the public and includes the following changes from the proposed rule:

- Expands fee-waiver eligibility to certain applicants and petitioners, including individuals seeking to appeal the denial of underlying applications or petitions that required no fee; individuals applying for humanitarian parole with an Application for Travel Document (Form I-131) and individuals with an Application to Extend/Change Nonimmigrant Status (Form I-539) who are covered under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008;
- Reduces the fee that refugees must pay for the Application for Travel Document (Form I-131);
- Eliminates two citizenship-related fees for those servicemembers and veterans of the U.S. armed forces who are eligible to file an Application for Naturalization (Form N-400) with no fee, specifically: the Request for Hearing on a Decision in Naturalization Proceedings (Form N-336) and the Application for Certificate of Citizenship (Form N-600);
- Exempts from the new civil surgeon fee certain physicians who examine servicemembers, veterans, and their families at U.S. government facilities;
- Clarifies that individuals with an Application to Extend/Change Nonimmigrant Status (Form I-539) with "V" nonimmigrant status must submit biometric information and pay the related biometric fee;
- Clarifies that USCIS will continue to offer a reduced fee for children filing an Application to Register Permanent Status or Adjust Status (Form I-485) concurrently with a parent; and
- Clarifies that USCIS will continue to offer fee waivers for the Petition to Remove the Conditions of Residence (Form I-751).

Q. Why must USCIS adjust the fees for applications and petitions for immigration benefits?

A. USCIS is a primarily fee-based organization, with about 90 percent of its budget coming from fees paid by applicants and petitioners for 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. USCIS's fee revenue in fiscal years 2008 and 2009 was much lower than projected, and fee revenue in fiscal year 2010 remains low. A fee adjustment, as detailed in the final 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.

Q. Where has USCIS made budget cuts?

A. USCIS has implemented several commonsense plans, including reducing travel, subscriptions and printing, maximizing the use of government space for meetings, and improving utilization of refurbished information technology. USCIS has called for a reduction in offsite training that will help reduce associated travel costs.

Q. Why does USCIS charge fees for immigration benefits?

A. The Immigration and Nationality Act authorizes USCIS to recover the costs of providing most immigration benefits and services through fees. As a fee-based organization, USCIS uses revenue from application fees to pay for the administration of the nation's immigration laws, processing of applications and the infrastructure needed to support these activities. Fee revenue funds more than 90 percent of the USCIS budget.

Q. How does USCIS derive its fees and fee levels?

A. USCIS uses Activity-Based Costing (ABC) to determine the full cost of immigration benefits and biometric services. ABC is a business management tool that assigns resource costs to operational activities and then to products and services. This process provides an accurate assessment of the costs associated with each service USCIS provides. The adjusted fees result from a combination of the ABC model results, estimated budgetary costs, projected levels of applications and petitions for the biennial period and policy and programmatic decisions detailed in the rule and its supporting documentation.

Q. Where can I obtain more information about the final fee rule?

A. The final rule and a detailed chart that identifies the adjusted fees for immigration benefit applications and petitions are available on www.uscis.gov.

Questions and Answers: Public Comment Process

Q. How did USCIS seek the public's input on the proposed fee rule?

A. USCIS Director Alejandro Mayorkas hosted a national stakeholder engagement focused exclusively on the proposed fee rule. During this engagement, Director Mayorkas provided information about the proposed rule and encouraged the public to submit written comments following the instructions in the proposed rule.

USCIS also disseminated to stakeholders and the media information about the proposed fee rule, including guidance on how to comment. Throughout the public comment period, USCIS senior leadership took advantage of regularly scheduled engagements to discuss the proposed rule and encourage stakeholders to provide comments in writing.

Q. Where can I obtain detailed information about the comments you received and how you responded?

A. Discussion of the public comments is featured in the final fee rule, available for review on USCIS's website at www.uscis.gov and on the [Federal Register](http://www.federalregister.gov). We have grouped the comments into the following categories:

- General Comments
- Relative Amount of Fees
- Fee Waivers and Exemptions
- Naturalization
- Improve Service and Reduce Inefficiencies
- Premium Processing
- New Fees and Forms
- Methods Used to Determine Fee Amounts
- Authority to Set and Collect Fees
- Other Comments

Q. Are the public comments still available for viewing?

A. Yes. The public comments are available on www.regulations.gov under DHS Docket No. USCIS-2009-0033. A synopsis of those comments and the USCIS response to them is also available in the fee rule itself. We have posted a link to the final fee rule on www.uscis.gov.

Questions and Answers: Filing Applications and Petitions

Q. When will the adjusted fees take effect?

A. The adjusted fees will take effect on November 23, 2010. Applications or petitions postmarked or filed on or after that date will require the new fees.

Q. How do I know whether to pay the adjusted fee or the old fee?

A. Any application or petition postmarked with a date of November 23, 2010, or later will require the adjusted fee, as established in the final fee rule. Applications and petitions postmarked with a date of November 23, 2010, or later, but that do not contain the adjusted fee, will be rejected as improperly filed.

Q. What if I submitted my application package before November 23, 2010, but it was returned as incomplete?

A. If you submitted an incomplete application or petition package prior to November 23, 2010, you may be subject to the adjusted fee when you re-file. Common filing mistakes include not signing forms and filling out the check improperly. All applicants and petitioners should carefully review their application or petition packages before submitting to ensure that they are complete.

Q. If my check is returned by the bank due to insufficient funds (i.e., a bad check) before the adjusted fees take effect, will I be allowed to issue a new check for the amount of the old fee?

A. Yes. If the correct fee is paid before the final fee rule's effective date (November 23, 2010) with a bad check, a good check will be accepted if received within 14 days of the postmarked date on the USCIS notice. If the fee and associated bad check fees are not paid within 14 days, the application or petition will be rejected, and the adjusted fees will apply to any subsequent filing.

Q. If I send my application or petition before the adjusted fees take effect and it is returned for a minor error, will I be able to make the correction and resend the filing with the old fee?

A. Yes. If the filing is accepted with the old fee, requests for evidence to correct errors will have no impact on the fee paid. But if the error affects USCIS's ability to accept the application as properly filed, the fee paid will be returned with the rejected application. The adjusted fees will apply to any subsequent filing if postmarked on or after the date the final rule takes effect (November 23, 2010).

Q. If I am currently an approved civil surgeon, will I be required to re-apply and pay the new civil surgeon fee?

A. No. If you are currently a designated civil surgeon, you will not have to apply again for civil surgeon designation under the current civil surgeon program. (Note: As described above, the final rule exempts from the new civil surgeon fee certain physicians who examine servicemembers, veterans, and their families at U.S. government facilities.)

Q. What if an applicant or petitioner cannot afford a required fee?

A. In certain circumstances, USCIS can waive fees on a case-by-case basis for "inability to pay." In determining "inability to pay," USCIS officers consider all circumstances documented in the evidence supplied by the applicant, including age, disability, household income and qualification within the past 180 days for a federal means-tested benefit. Fee waiver information is available online at www.uscis.gov/feewaiver.

In close collaboration with stakeholders, USCIS recently published an information collection notice in the *Federal Register* seeking public comments on the first-ever proposed form for fee waivers (Request for Individual Fee Waiver, Form I-912). The new form is intended to improve consistency in the adjudication of fee waivers.