

## Significant Increases in Immigration Service Filing Fees Effective July 30, 2007

July 13, 2007

Effective July 30, 2007, U.S. Citizenship & Immigration Services (USCIS) will substantially increase its filing fees for almost all of applications and petitions. USCIS claims that the fee increases are necessary to achieve reductions in average processing times and to ensure that the agency has continued revenues needed to fully fund its business operation costs.

The new fee structure will apply to all applications and petitions received by USCIS on or after July 30, 2007. A complete list of the new filing fees is available at [www.uscis.gov](http://www.uscis.gov) (click on the banner "Immigration Forms" and scroll down to find fee increase information for specific form types). The fee increases will be dramatic with regard to several commonly filed forms, including the base filing fee for the I-129 Petition for Nonimmigrant Worker (increasing from \$190 to \$320); the I-140 Immigrant Petition (increasing from \$195 to \$475); the I-539 Application to Extend or Change Non-Immigrant Status (increasing from \$200 to \$300); and the N-400 Application for Naturalization (increasing from \$330 to \$675).

The single most significant fee increase will be with regard to the I-485 Application for Adjustment of Status. Although the fee increase represents a huge increase in up front expenditure for the applicant, it may provide an overall fee reduction for many. Currently, the base filing fee for the I-485 application is \$325 for applicants over the age of 14<sup>1</sup> with a separate \$70 fee for fingerprinting/biometric processing, as well as a \$180 fee for an employment authorization document and a \$170 fee for travel authorization while the I-485 application is pending. Employment and travel authorization documents are currently valid for one year, and new filing fees are owed with each renewal application. Because I-485 applications can sometimes take 3 to 4 years to be approved, filing for extensions of work and travel permission can be costly. For example, under the current scheme, the average family of 2 adults and 2 children whose applications remain pending for 2 years and who request work authorization for the adults and travel permission for all 4 family members would pay a total of \$3,300 in filing fees before their cases are approved.

Applicants who file after July 29, 2007 will be required to pay a one-time fee of \$1,010 for each applicant over the age of 14.<sup>2</sup> This fee includes the base filing fee for the I-485, the biometric processing fee and employment authorization and travel permission *for the entire period that the I-485 application remains pending*. This means that, even if multiple renewals of work and travel permission are required, the applicant will not be charged a separate fee for this service. Under the new filing fee structure, the same family of four described above would pay a total of \$3,220 before their cases are approved. Therefore, far from the 300% increase that initially seems apparent, the new fee schedule actually represents a modest savings over the current system.

McCandlish Holton will make all clients aware of the applicable filing fees as we continue to prepare applications and petitions for filing on and after July 30, 2007. If you have questions regarding the new fee structure, contact your McCandlish Holton immigration attorney.

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<sup>1</sup> The fee is \$215 for applicants who are under the age of 14 at the time the application is submitted.

<sup>2</sup> The fee will be \$600 for applicants under the age of 14 (or \$930 if the child is not filing his/her application concurrently with at least one parent).