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## **Immigration News**

### **April 2004**

#### **Immigration Petition/Application Filing Fees Increase**

Citing the need for technological and infrastructure improvements, the Citizenship & Immigration Services bureau of the Department of Homeland Security is proceeding with its proposed increase in filing fees for petitions and applications. On average the fee increase is \$55.00 per petition/application and the new filing fees are effective 15 days after publication in the Federal Register (or anticipated to be effective April 30, 2004.)

| <b>Application Type</b>  | <b>Current Fee</b> | <b>New Fee</b>  |
|--|--------------------|-----------------|
| H-1B, L-1 other employment-based nonimmigrant petitions including initial petitions and extensions | \$130.00           | <b>\$185.00</b> |
| H-4, L-2, B-1/B-2 and other nonimmigrant extension or change of status requests                    | \$140.00           | <b>\$195.00</b> |
| Adjustment of Status to Permanent Residence  | \$255.00           | <b>\$315.00</b> |
| Employment Authorization   | \$120.00           | <b>\$175.00</b> |
| Travel Document (Advance Parole, Refugee Travel Document or Reentry Permit)                        | \$110.00           | <b>\$165.00</b> |
| Collecting required fingerprinting or biometric data   | \$50.00            | <b>\$70.00</b>  |
| Replacement Permanent Resident Card  | \$130.00           | <b>\$185.00</b> |
| Replacement Form I-94  | \$100.00           | <b>\$155.00</b> |
| Family-Based Petition  | \$130.00           | <b>\$185.00</b> |

The \$1,000.00 filing fee for Premium Processing Service remains. The government advises: "Over the coming year, BCIS (a/k/a USCIS) will prioritize customer service and improve application processing times, in addition to security." We shall see. If you are interested in saving some money by filing an immigration petition/application before the end of the month, please contact my office.

## ***The U.S. –VISIT Program***

In January 2004 the Department of Homeland Security implemented the “US-VISIT” program at air and sea ports of entry to the United States. Under this program all visa holders are required to take some additional actions when arriving and applying to enter the United States at an airport or seaport port-of-entry.

When a foreign national who has a visa arrives in the United States at a U.S. airport, U.S. pre-flight inspection station, or U.S. seaport, the individual will need to show his/her Passport, Visa and other immigration documentation such as a Form I-797 (*Notice of Action* approving a nonimmigrant classification) or SEVIS-I-20 (for F-1 Student) or DS-2019 (for J-1 Exchange Visitor). After completing the Form I-94, *Arrival-Departure Record* and responding to questions by the U.S. Border Official, the individual will have two fingerprints (the index finger of each hand) scanned and a digital photograph taken. This biometric data (the fingerprints and photograph) are securely stored as part of the foreign national’s travel record. Although the Department of Homeland Security advises “these enhanced procedures will add only second to the visitor’s overall processing time”, it is recommended that ample time (one hour or more) be scheduled between any connecting airline flights.

Persons currently exempt from the U.S.-VISIT Program include: U.S. citizens, Permanent Residents, applicants for admission to the United States as Visitors under the Visa Waiver Program and Canadian-citizen visitors. The Department of Homeland Security intends to require all Visa Waiver Program applicants who enter the United States after September 30, 2004 participate in the U.S.-VISIT Program. Also by December 31, 2004, fifty of the busiest land border ports-of-entry will implement U.S.-VISIT. Thus later this year biometric data (fingerprints and photographs) will be taken of nearly all foreign nationals seeking to enter the United States.

Further under this program, when departing the United States, the individual who has had his/her fingerprints and photograph taken under the U.S.-VISIT program will need to verify his/her departure at a designated U.S.-VISIT departure station. Currently only the entry/admission processing is in place. Information on the departure program will be provided once available.

For a list of current designated U.S.-VISIT airport and seaport locations please visit <http://www.dhs.gov/interweb/assetlibrary/US-VISITAirports1-2-20032.pdf> or visit the Newsletter page of [www.emigrate-immigrate.com](http://www.emigrate-immigrate.com).

## **H-1B Update**

The Fiscal Year 2004 (from October 1, 2003 to September 30, 2004) allotment (65,000) of H-1B nonimmigrant petition approvals were consumed by February 17, 2004. The 65,000 H-1B petition approvals are available to foreign nationals who are initially requesting the H-1B nonimmigrant classification or who previously worked for an H-1B cap-exempt employer and would be employed by an employer subject to the 65,000 limitation.

As of April 1, 2004, employers can commence filing H-1B petitions for Fiscal Year 2005 if the H-1B petition requests an employment start date on or after October 1, 2004. For Fiscal Year 2005, again 65,000 H-1B petition approvals are available. Given the number of persons who missed out on the FY-2004 H-1B cap and a possible hiring trend, it is projected that the FY-2005 H-1B cap may be reached by the end of the calendar year.