



# Press Release

September 28, 2005

## **USCIS REMINDS CUSTOMERS OF REVISED FEES TO APPEAL AN AAO DECISION**

*Fees Adjusted to Allow USCIS to Recover the Full Processing Cost*

Washington, D.C.— U.S. Citizenship and Immigration Services (USCIS) today reminded its customers that a revised fee structure is now in place for all appeals and motions under the jurisdiction of USCIS' Administrative Appeals Office (AAO). Beginning today, anyone wishing to file such an appeal or motion must pay a fee of \$385. Federal law authorizes USCIS to recover the full cost of processing immigration benefit applications, rather than supporting these services with tax revenue. The revised fees were announced in the *Federal Register* on August 29, 2005 with an effective date of today.

USCIS originally published a proposed rule announcing plans to adjust this fee on November 30, 2004. That proposed rule provided a 30-day comment period. During that time, USCIS received 14 comments. Each comment was carefully considered and reviewed before preparing the final rule. A detailed response to the comments is included in the August 29, 2005 *Federal Register* notice (<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-17132.htm>).

USCIS does have the ability to waive fees on a case-by-case basis. Any applicant or petitioner who has an "inability to pay" the fees may request a fee waiver. In determining "inability to pay," USCIS officers will consider all factors, circumstances and evidence supplied by the applicant including age, disability, household income and qualification within the past 180 days for a Federal means-tested benefit.

The revised fees do not apply to or affect in any manner the fees associated with filing an appeal or motion based upon a decision of the Board of Immigration Appeals (BIA) of the Department of Justice. The BIA has appellate jurisdiction over orders of immigration judges, denials of relative immigrant visa petitions (I-130s) and decisions involving administrative fines and penalties. Appeals of denials of all other types of immigration petitions and applications are under the jurisdiction of the AAO and are subject to the new fee.

– USCIS –

On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.