



Press Release

June 21, 2005

USCIS CLARIFIES FILING FEES FOR H-1B1 FREE TRADE NONIMMIGRANTS

Washington, D.C.– U.S Citizenship and Immigration Services (USCIS) announced today that employers of H-1B1 Free Trade nonimmigrants from Chile and Singapore must file fees required by the H-1B Visa Reform Act of 2004. Since the new fee structure took effect on December 8, 2004, USCIS has received a number of petitions from employers of H-1B1 Free Trade nonimmigrants from Chile or Singapore without the additional filing fee. USCIS announced that after July 20, 2005 it will reject all cases filed for H-1B1 Free Trade nonimmigrants from Chile and Singapore without the proper filing fee. In the interim, the Nebraska Service Center will continue to accept H-1B1 cases without the correct fee and seek the proper fee payment through a Request for Evidence.

In particular, the additional filing fee is required for H-1B1 Free Trade nonimmigrants from Chile and Singapore in the following situations. Employers should complete and file the Petition for a Non-immigrant Worker (Form I-129), the Nonimmigrant Classification based on Free Trade Agreement Supplement to Form I-129 and the H-1B Data Collection and Filing Exemption Supplement (previously Form I-129W).

- Employers seeking to employ a current H-1B1 Free Trade nonimmigrant from Chile or Singapore presently employed by another H-1B1 employer.
- Employers requesting an initial extension of H-1B1 status for an H-1B1 Free Trade nonimmigrant from Chile or Singapore they presently employ.
- Employers seeking to change an alien’s status and employ an alien as an H-1B1 Free Trade nonimmigrant from Chile or Singapore in “new employment.”

The additional fee required by H-1B Visa Reform Act of 2004 for H-1B1 employers is \$1,500 for businesses with 26 or more full-time employees and \$750 for businesses with 25 or fewer full-time employees. In each instance, the number of full-time employees is determined by including any affiliate or subsidiary of the petitioning employer in the United States. Employers who are exempt from the additional filing fee are identified in section 214(c)(9)(A) of the Immigration and Nationality Act (INA).

The \$500 Fraud Prevention and Detection Fee, also authorized by the H-1B Reform Act of 2004, is not required for aliens from Chile or Singapore seeking an initial grant, extension, or change of status to a H-1B1 Free Trade nonimmigrant or filing an amendment to authorize a change in H-1B1 employers.

– 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 our nation's security.