

New US Bill could increase H-1B filing fees

Synopsis

The Bill has proposed to include a supplementary \$500 charge for each H-1B visa petition. Companies – mostly tech and IT services providers - use H-1B visas to get highly skilled workers into the United States. The Bill also proposes additional fees for several immigration related petitions.



"Employers are willing to pay these high fees for a skilled foreign worker, and this belies the myth that employers want H-1B workers because they are cheap labour," said Cyrus D Mehta, managing partner, Cyrus D Mehta & Partners.

H-1B visas could become more expensive if the United States approves the proposed **Budget reconciliation Bill** in its current form.

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These include \$800 for employer sponsored permanent residency and \$250 for an F-1, or student visa, to be paid by the educational institute.

It also proposes another supplementary \$500 charge for employment authorisation forms for spouses of certain non-immigrants, students seeking optional practical training and applicants for adjustment of status.

The proposed increase in **H-1B filing fees** reflect another stab at the already injured H-1B process, said Rajiv S Khanna, managing attorney at immigration.com.

"It can cost as much as \$30,000 in attorney fees, filing fees and responding to requests for evidence each time you file an

H-1B or an extension. With over a million jobs vacant in the computer technology industry alone, it is unconscionable that instead of making it easier, Congress is making it more difficult," he said.

Small businesses would be impacted more by this change, he added.

Currently, companies pay \$460 for the basic application, with additional lawyer, anti-fraud, and scholarship fees.

For employers that have a large proportion of H-1B and L-1 visa holders, there is an additional \$4,000 fee, as well as \$2,500 for premium processing of the petition, which most companies opt for.

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If the US House of Representatives clears the Bill, it would, however, expedite the path to permanent residency for several thousand Indian nationals who are in line for a green card.

These measures, if passed, could be among the most significant immigration changes made by the US administration in recent years.

"The chances of the House bill becoming law depend on whether the parliamentarian accepts or rejects the immigration provisions in the reconciliation bill. If the parliamentarian is ignored, then opponents would need 60 votes to get the immigration provisions stripped out. But if this angers a centrist Democrat such as Joseph Manchin or Kyrsten Synema, they can withhold their vote from the final bill. So, unless the parliamentarian accepts the immigration provisions, the likelihood of them passing and becoming law are low," Mehta added.

Proponents of legal immigration say this move could help deal with the talent shortage in the country by making it easier for highly skilled workers to become residents and not be dependent on visas to continue working in the country. It also provides stability to spouses and other dependents, a lack of which has been one factor why some people have chosen to leave the United States.

