

INCREASE IN H-1B AND L-1 FEES FOR CERTAIN EMPLOYERS

On Tuesday January 12, 2016, U.S. Citizenship and Immigration Services issued an alert notifying stakeholders that increased H-1B and L-1 petition fees will apply to certain employers who habitually utilize these nonimmigrant categories.

Specifically, the additional fees apply to petitioners who employ 50 or more employees in the U.S., with more than 50 percent of those employees in H-1B or L-1 (including L-1A and L-1B) nonimmigrant status. If applicable, the employer must submit an additional fee of \$4,000 for certain H-1B petitions and \$4,500 for certain L-1A and L-1B petitions.

The additional fees are required for initial applications or applications to change employers. The fees are not required for extension applications as previously thought. The increased fee is required in addition to the base application fee, Fraud Detection and Prevention Fee, American Competitiveness and Workforce Improvement Act of 1998 fee (when required) and the premium processing fee (if desired).

The fees will remain effective through September 30, 2025.

In the alert, USCIS warned that it will begin rejecting H-1B and L-1 petitions received on or after February 11, 2016 that do not comply with the new law. From now until February 11, 2016, USCIS has advised that it may issue a Request for Evidence to determine whether the additional fee applies to the petition.

If you have questions, concerns or would like to schedule a call to discuss these changes, please contact one of our professionals at Guberman Garson Segal LLP (416 363 1234).

This document is for general information only and should not be construed as specific legal advice.