

# Issues & Answers

## IMMIGRATION ALERT

### *H-1B Filing Fee Surcharge Sunsets October 1*

*By Nancy-Jo Merritt*

On October 1, 2003, the beginning of the United States 2004 fiscal year, the \$1,000 filing fee surcharge imposed by Congress on H-1B petitions will come to an end, unless Congress continues the fee in legislation enacted before October 1<sup>st</sup>.

The surcharge was imposed to fund vocational training programs at the same time that the limit on new H-1B petitions was increased. The H-1B “cap” will revert from 195,000 to 65,000 on October 1<sup>st</sup> and the decrease in the cap will be mirrored by the decrease in the filing fees. Although expiration of the surcharge is good news, it is possible that Congress will re-impose it in order to continue funding for vocational training programs. The cap, however, will not be increased.

The USCIS (the Department of Homeland Security has decided to drop “Bureau” from its sub-agency’s titles and the BCIS is now the U.S. Citizenship and Immigration Services or USCIS) will still require employers to file the I-129W, H-1B Data Collection and Filing Fee Extension, with the H-1B petition, but employers can omit the filing fee information in Part B of the I-129W.

Employers who are planning to file H-1B petitions in the next few weeks may wish to wait until after October 1<sup>st</sup> to take advantage of filing fees reduced from \$1,130 to \$130. (The premium processing fee of \$1,000 will not be affected.)

Stay tuned. ■

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