

Summer 2020: Latest immigration law changes



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USCIS publishes final rule that will increase fees for numerous immigration filings, including H-1Bs

Last week, U.S. Citizenship and Immigration Services (USCIS) published a final rule that significantly increases filing fees for certain immigration forms, including H-1B petitions, L-1 petitions and naturalization filings. The increased fees will take effect on Oct. 2, 2020.

Form I-129 will now cost \$555 for the H-1B petition (currently \$460), \$805 for the L-1 petition (currently \$460) and \$695 for the TN petition (currently \$460). Form N-400, which is used for naturalization filings, will now cost \$1,170 (currently costs \$640). Form I-765, which is used to file for Employment Authorization Documents (EADs), will increase in cost from \$410 to \$550. Additionally, the total costs to file for adjustment of status (usually the last step in the permanent residence process), will almost double to more than \$2,200.

Finally, the rule changes the amount of time USCIS has to respond to a premium processing request. Currently, USCIS must act on a premium processing request in 15 calendar days. The new rule changes that timeframe to 15 business days.

Public Charge final rule put on hold for now by Federal Judge

On July 29, 2020, a Federal District Judge in New York issued a nationwide injunction against the implementation of USCIS's new Public Charge rule while there is a declared national health emergency related to the 2019 novel coronavirus (COVID-19) outbreak. This means that individuals filing for adjustment of status currently do not need to file Form I-944 and the numerous financial supporting documents that need to be filed with it. This situation is fluid, as several Federal Circuits have weighed in on the legitimacy of the new final rule with differing results. While the current injunction stands, it is not certain how long that will be the case.

Trump issues executive order on federal contract practices, including reviewing the use of contractors that use foreign nationals to perform the contracts

The executive order directs all executive departments and agencies of the federal government to review their contracts and determine whether they or their contractors used temporary foreign labor for U.S.-based work or hired workers abroad to complete the work. If so, they are directed to determine whether those hiring and contracting decisions had any negative impact on U.S. workers. Additionally, the executive order further directs the Secretaries of Labor and Homeland Security to "take action, as appropriate and consistent with applicable law, to protect United States workers from any adverse effects on wages and working conditions caused by the employment of H-1B visa holders at job sites," including ensuring hiring complies with existing immigration and labor laws.

The information contained herein is based on a summary of legal principles. It is not to be construed as legal advice and does not create an attorney-client relationship. Individuals should consult with legal counsel before taking any action based on these principles to ensure their applicability in a given situation.