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Immigration

House Budget Reconciliation Bill Retains High-Skilled Immigrant Provisions

Legal Update

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By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

The House of Representatives' 2,135-page draft budget reconciliation bill retains several immigration measures, including provisions paving the way for high-skilled scientists and engineers, and raising immigration-related fees. It also would provide for up to 10 years of work authorization and protection from removal for undocumented people who have been in the United States since before 2011, \$2.8 billion for the Department of Homeland Security to reduce processing backlogs and recapturing unused green cards that would otherwise expire each year. It remains to be seen whether the bill will become law. A vote in the House is expected in the next few weeks.

Provisions for High-Skilled Immigrants

The bill's provisions would allow an employee in the backlog of approved legal immigration applications to pay a supplemental fee of \$5,000 and file for adjustment of status without waiting for a priority date to become available.

Fee Increases

Also among the provisions in the bill are several immigration-related fee increases, including a measure to add a supplemental fee of \$500 to existing fees for H-1B petitions, thus further killing the "cheap labor" myth about why companies hire H-1B workers.

According to a study by the National Foundation for American Policy (NFAP) that considered overall costs, "employers pay government-imposed fees and attorney costs of up to \$16,560 for an initial H-1B petition and \$28,620 for the combined cost of an initial H-1B petition and an extension." The new fee would increase the cost further. Mandated H-1B fees primarily fund scholarships for U.S. students and training for U.S. workers, according to NFAP.

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Other immigration-related fees that would be imposed by the House budget reconciliation bill, if passed, include:

- \$100 for certain family-sponsored immigrant visa petitions (Form I-130)
- \$800 for each employment-based immigrant visa petition (Form I-140)
- \$15,000 for each employment-based fifth preference petition (Form I-526)
- \$19 for each Form I-94/I-94W issued to nonimmigrants who enter the United States
- \$250 for each F-1 and M-1 nonimmigrant student and J-1 exchange visitor to be paid by the approved educational institution or designated exchange visitor program
- \$500 for each application to replace a legal permanent resident card that has expired or is expiring
- \$500 for each petition for E, H-1B, L, O, or P status (Form I-129)
- \$500 for each application to change or extend nonimmigrant status (Form I-539)
- \$500 for applications for employment authorization (Form I-765) filed by spouses of certain nonimmigrants, students seeking optional practical training, and applicants for adjustment of status
- \$75 for each approved nonimmigrant visa