



TROW & RAHAL, P.C.
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January - T&R Newsletter

T&R wishes you a healthy, happy, and successful year ahead. We look forward to working with our clients, both old and new, and helping foreign nationals achieve their American dream of living and working in the United States.

In this month's newsletter we write about (1) increases in premium processing fees; (2) the in-country visa revalidation pilot program; and (3) indefinite extension and expansion of waiver of visa interview program.

USCIS ANNOUNCES PREMIUM PROCESSING FEE INCREASES

Premium processing fees will increase as of February 26, 2024. If you have cases that can be filed before then, you should work with your attorneys to file them before these increases happen. Below is a chart of the increases of which the I-129 for most types of nonimmigrant visa petitions and the I-140 for most immigrant visa petitions increase by \$305.

The U.S. Department of Homeland Security indicates that it will use these additional funds to provide premium processing services; make improvements to processes for adjudication; respond to adjudication demands including reducing backlogs, and otherwise fund USCIS services.

Cases filed on or after February 26th with the old fees will have the premium processing fee rejected but the case will be accepted for regular processing.

Form	Previous Fee	New Fee
Form I-129, Petition for a Nonimmigrant Worker	\$1,500 (H-2B or R-1 nonimmigrant status) \$2,500 (All other available Form I-129 classifications (E-1, E-2, E-3, H-1B, H-3, L-1A, L-1B, LZ, O-1, O-2, P-1, P-1S, P-2, P-2S, P-3, P-3S, Q-1, TN-1, and TN-2))	\$1,685 (H-2B or R-1 nonimmigrant status) \$2,805 (All other available Form I-129 classifications (E-1, E-2, E-3, H-1B, H-3, L-1A, L-1B, LZ, O-1, O-2, P-1, P-1S, P-2, P-2S, P-3, P-3S, Q-1, TN-1, and TN-2))
Form I-140, Immigrant Petition for Alien Worker	\$2,500 (Employment-based (EB) classifications E11, E12, E21 (non-NIW), E31, E32, EW3, E13 and E21 (NIW))	\$2,805 (Employment-based (EB) classifications E11, E12, E21 (non-NIW), E31, E32, EW3, E13 and E21 (NIW))
Form I-539, Application to Extend/Change Nonimmigrant Status	\$1,750 (Form I-539 classifications F-1, F-2, M-1, M-2, J-1, J-2, E-1, E-2, E-3, L-2, H-4, O-3, P-4, and R-2)	\$1,965 (Form I-539 classifications F-1, F-2, M-1, M-2, J-1, J-2, E-1, E-2, E-3, L-2, H-4, O-3, P-4, and R-2)
Form I-765, Application for Employment Authorization	\$1,500 (Certain F-1 students with categories C03A, C03B, C03C)	\$1,685 (Certain F-1 students with categories C03A, C03B, C03C)

U.S. DEPARTMENT OF STATE VISA ISSUANCE INFORMATION

The U.S. Department of State has released information on the processing of visas at U.S. Consulates around the world during 2023; it was a record year as far as the number of visas issued. Below is a summary of 2023 Worldwide Visa Operations – By the Numbers:

- DOS issued more nonimmigrant visas (NIVs) worldwide in 2023 than in any year since 2015.
- DOS’ goal is for more than 90 percent of its overseas posts to have visitor visa interview wait times under 90 days in 2024.

Current Visa Processing

- DOS’ 230 U.S. Embassies and Consulates overseas issued record-breaking numbers of nonimmigrant visas (NIV) in fiscal year (FY) 2023: more than 10.4 million globally, surpassing any high-water mark in almost a decade. Half of its U.S. embassies and consulates processed their highest total of NIVs. In March 2023, DOS issued more than one million nonimmigrant visas in a single month for the first time since 2017.

Interview Waivers

- Forty percent of the over 10.4 million travelers who received their U.S. nonimmigrant visas in the past 12 months did not require an in-person interview,

opening those interview slots for first-time applicants and others who need them.

Results Achieved in 2023 – DOS issued:

- 563,000 immigrant visas (IVs) in FY 2023, with 30 of its missions issuing their largest number of immigrant visas ever. DOS' consular sections worldwide have reduced the overall IV interview scheduling backlog by nearly half, from nearly 532,000 in July 2021 after the pandemic, to just over 275,500.
- 830,000 student and exchange visitor visas in FY 2023, more than in any year since FY 2016. More than 600,000 of those were for students pursuing an education in the United States, many of them from countries sending record numbers of students. DOS issued nearly 40,000 visas to African students - a new record.
- 442,000 visas to H-2A and H-2B temporary workers in 2023, with nearly 90 percent going to qualified workers from Mexico, El Salvador, Guatemala, and Honduras.
- 365,000 nonimmigrant visas to airline and shipping crewmembers (C1/D).
- 590,000 nonimmigrant and immigrant visas—the most ever—to high-skilled workers and executives in sectors ranging from emerging technology to healthcare. Among those, it issued nearly double the number of EB-3 IV visas in FY 2023 than in FY 2019, the last full year before the pandemic.
- all available Diversity Visas during the DV-2023 program year.

VISA REVALIDATION PILOT PROGRAM STARTS JANUARY 29th

As one effort to decrease the number of visas issued at U.S. embassies and consulates, the DOS announced that a pilot program to start in country visa revalidation will start on January 29th and go through April 1, 2024, for applicants who meet the requirements. This means that eligible H-1B applicants (but not their H-4 dependents) will be able to renew their visas in their passports without leaving the United States.

The pilot program will initially be open to approximately 20,000 eligible applicants starting January 29th through April 1, 2024, with 4,000 application slots released each week.

Eligibility requirements: Applicants who are currently in the United States in H-1B status that were issued H-1B visas by a U.S. embassy or consulate in Canada

between January 1, 2020, and April 1, 2023, or in India between February 1, 2021 and September 30, 2021. Applicants must also show that:

- They are eligible for a waiver of the in person interview;
- They are not subject to a nonimmigrant visa issuance fee (reciprocity fee) based upon country of citizenship;
- They have submitted ten fingerprints to the U.S. consulate with a prior application;
- Their prior H-1B visa does not indicate “clearance received”;
- Their most recent entry was in H-1B status;
- They are maintaining H-1B status and have an unexpired H-1B approval notice and i-94;
- They do not require a waiver of the visa ineligibility; and
- They Intend to reenter the United States in H-1B status after a temporary period abroad

Application process: Each eligible applicant will need to complete and submit electronically a Form DS 160 and pay a fee of \$205. Once paid, applicants will receive instructions to submit their passports and required application documents. It is expected to take four to six weeks for DOS to complete adjudication. There will be no ability for expedites. Applications will be made at this [link](#) which is not yet finalized.

Please contact T&R if you would like assistance determining eligibility and/or filing.

DOS EXTENDS AND EXPANDS NONIMMIGRANT VISA INTERVIEW WAIVER PROGRAM

In another step to help reduce nonimmigrant visa applications at U.S. consulates abroad, DOS has extended, indefinitely, the visa interview waiver program for applicants renewing nonimmigrant visas at U.S. consulates (except B visitor visas). In the past, this program has been extended in one-year increments with the most recent extension that expired on December 31, 2023. Each U.S. Consulate develops their own policies and applicants need to review the website of the consulate for requirements.

Requirements for waiver of in person interview include: applicants must apply in their country of nationality or residence, have never been refused a visa (unless overcome or waived), and have no apparent or potential for being ineligible for the visa.

Previously, first time applicants for F-1, J-1 and certain employment based nonimmigrant visa who were nationals or citizens of Visa Waiver Program countries were included in the visa waiver program. They are not included in the extension.

Any foreign national who is in the United States on a nonimmigrant work visa should review requirements and procedures on the website of the U.S. consulate where they will apply to see if they are eligible for the waiver of the in-person interview.

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3 Bethesda Metro Center | Suite 610 | Bethesda MD 20814

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