

Advocacy Recommends that the USCIS Reassess the Compliance Costs of Immigration Fees Rule for Small Entities

On January 4, 2023, the United States Citizenship and Immigration Services (USCIS) proposed a rule that would increase the immigration and naturalization fees for business visas. The proposed rule increases temporary visas by 150 to 330 percent. The rule also increases petitions for permanent immigration visas by 88 percent. This fee increase includes a new fee of \$600 per visa petition to be paid by businesses to fund the separate U.S. Asylum Program. On March 10, 2023, the Office of Advocacy (Advocacy) submitted a comment letter to USCIS on this proposed rule.

Advocacy made the following recommendations:

- Advocacy is concerned that USCIS's Initial Regulatory Flexibility Act (IRFA) is deficient and severely underestimates the economic impacts of this rule on small entities. USCIS' IRFA fails to analyze the numbers of small businesses and nonprofits affected by this rule. The analysis of numbers of small entities is based on a sample size that is too small and may miss the economic impact on certain industries. USCIS' IRFA also uses average revenues of all small entities, which may hide the economic impact of this rule on many small entities. The IRFA also undercounts the numbers of petitions that small entities will file.
- Advocacy recommends the USCIS reassess the compliance costs from this rule in a Supplemental Initial Regulatory Flexibility Analysis. USCIS should consider significant alternatives that would accomplish the objectives of the statute while minimizing the economic impacts to small entities as required by the Regulatory Flexibility Act.
- USCIS should establish tiered general fees and asylum fees for certain small businesses and nonprofits, based on small business revenue size, numbers of employees, or type of visas. USCIS should limit the frequency and number of asylum fee payments per worker in a season or for the lifetime of their employment with an employer. USCIS is limiting the number of named workers per petition to 25. USCIS should change this limit to 50 to minimize the impact on small entities.

A complete copy of [Advocacy's letter to the USCIS](#) is available. For more information, please contact Janis Reyes at (202) 798-5798 or by email at Janis.Reyes@sba.gov.

