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March 9, 2023

Ms. Samantha Deshommès
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

RE: DHS Docket No. USCIS 2021-0010

Dear Ms. Deshommès:

The Worldwide Employee Relocation Council (“Worldwide ERC®”) greatly appreciates the opportunity to comment on the proposed rule entitled “U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements”. Please find outlined in this letter our thoughts on how the proposed rule can be modified to better address the needs of workforce mobility.

Worldwide ERC® is committed to supporting strong business immigration policies which provide for the unhindered movement of workers around the globe. Workforce relocation is critical to the financial viability of a business and, in turn, to the vibrancy of local and national economies as well as the global economy. It is therefore vital that business immigration laws, regulations, practices, and the cost of obtaining work visas allow for the easy movement of workers throughout the world.

Our membership is comprised of over 4,000 individuals and businesses that fulfill the facilitation of global and domestic work through the relocation and compliance of employees across the globe, as well as the companies that employ them. Our members include relocation management companies, household goods moving organizations, immigration firms, human resources consultancies and hundreds of other suppliers. These organizations include many small and family businesses as well as larger enterprises.

Concerns with Increases in Filing Fees

We recognize that USCIS operates under a fee-for-service funding model in which 96% of the USCIS budget comes from the collection of the fees for the filing of petitions, adjudicating applications and benefit-related services. Furthermore, we acknowledge that USCIS is following the proper procedure to adjust its fees to reflect its funding needs. However, we are concerned with the potential impact of increases, especially for medium and small businesses, for certain filings and services.

Worldwide ERC® is concerned about the large increases in base filing fees as well as a new supplemental fee for every I-129 and I-140 filed with USCIS. Under the proposed rule, H-1B registrations would increase significantly from \$10 to \$215, a 2,050% increase with the H-1B petition fee increasing from \$460 to \$780, a 70% increase. For intracompany transfers under the L-1, petitions would increase from \$460 to \$1,385, a 201% increase. When combined with the new \$600 asylum program fee per petition, the H-1B petition fee increases by 111% and the L-1 petition fee by 331%.

The H-1B and L-1 are vital to workforce mobility, and the proposed increases in fees will have a significant cost impact on the hiring and relocation programs of all businesses. The impact will be greatest on medium and small-sized businesses, many of which are already struggling with the higher costs of labor and operating expenses. The adverse impact of the increased fees will not only be felt by our primary business members but also by our members who are suppliers of relocation services such as household goods movers. These organizations, often medium and small businesses, are also facing increasing costs across the board for providing their services, and some of the filing fees proposed by USCIS would have a significant impact.

Recommendations to Reduce Proposed Fee Increases

Worldwide ERC® recommends several ways to help mitigate the high increases in filing fees. While we acknowledge that USCIS has not increased filing fees since 2016, many of the fee increases far outpace inflation. As such, we recommend that USCIS conduct a further review of any fee in which the increase is greater than 50%. We also would like to see USCIS phase-in any fee that ultimately does increase by more than 50%.

While a review and phase-in would provide more immediate relief to businesses and allow them time to adjust, USCIS will still face a chronic problem of funding from filing fees not covering its budget. Worldwide ERC® supports the recommendations of the Office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman) as outlined in [“The Challenges of the Current USCIS Fee-Setting Structure: Recommendation 63”](#) dated June 15, 2022.

First and foremost, Worldwide ERC® strongly encourages USCIS to seek congressional appropriations to cover not only eliminating adjudication backlogs and the delivery of humanitarian-related immigration benefits as recommended by the CIS Ombudsman but also general operating costs. We also support the recommendations that would allow USCIS to focus on ensuring adequate staffing to meet performance obligations such targeted processing times and address backlogs.

Improvements and Efficiencies

With the higher fees collected by USCIS, the agency should directly connect the additional funds to meeting its performance obligations. Specifically, USCIS should meet the goals outlined in its [“Section 4103 Plan Pursuant to the Emergency Stopgap USCIS Stabilization Act - Fiscal Year 2021 Report to Congress.”](#) In particular, the agency should focus on improving processing times as well as reducing the adjudication backlog.

USCIS should also continue to undertake a review of its processes and forms to determine if the agency has areas which can result in greater efficiencies. As part of this process, Worldwide ERC® suggests that USCIS provide transparency and establish milestones on how the agency will use the new higher fees to reduce backlogs and reduce barriers to legal immigration. Worldwide ERC® and its members stand ready to advise and support USCIS in its efforts to improve the application and adjudication process for individuals and for employers.

Finally, we would like to point out that the proposed rule does not appear to factor the premium process revenue stream into the proposed fee levels, even though USCIS is now authorized by statute to use such funds for a broader range of purposes. We urge USCIS to ensure it is factoring in this revenue to its calculations in the final rule.

Conclusion

On behalf of the membership of Worldwide ERC®, I again thank you for this opportunity to provide comments on the proposed rule. We look forward to continuing to work with USCIS to minimize the impact of new fees on businesses and support the agency being placed on a more secure financial footing and being able to focus on improved processing times and enhanced processes.

Should you have any questions regarding our requests, please do not hesitate to have your staff reach out to Tristan North, Worldwide ERC® Government Affairs Adviser. He can be reached by email at tnorth@worldwideerc.org or phone at 703-842-3400.

Sincerely,



Lynn Shotwell
President and CEO