

September 28, 2020

*If you have any questions
about this Advisory,
please contact:*

NAJIA S. KHALID
203.498.4313
nkhalid@wiggin.com

ASHLEY MOORE
203.498.4372
amoore@wiggin.com

IMMIGRATION AND COMPLIANCE BRIEFING:

NEW FISCAL YEAR BRINGS NEW FEES, FORMS, AND VISA BULLETIN

USCIS FEE CHANGES AND NEW FORMS

On October 2, 2020 the U.S. Citizenship and Immigration Services' (USCIS) new fee schedule will go into effect. Most immigration benefit requests will see a significant increase in fees (weighted average increase is 20%). Notably, USCIS implemented separate fees for each I-129 nonimmigrant visa category, moving away from a uniform fee for the I-129 form. While the fee for the H-2A and H-2B unnamed beneficiary categories will decrease, all other I-129 nonimmigrant work visa categories, including the H-1B and L-1, will see significant increases (the I-129F, the fiancé visa and only non-work visa using the Form I-129, will decrease). The American Immigration Lawyers Association (AILA) has published a table listing the new fees [here](#). Lawsuits challenging the fee increases have been filed and additional litigation is anticipated.

USCIS is also publishing new forms, including multiple new I-129 forms for different nonimmigrant visa categories. Preview forms are available on the USCIS [website](#).

EXTENDED I-9 COMPLIANCE FLEXIBILITY

The Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) announced another extension of the temporary COVID-19 policy allowing flexibility in

I-9 compliance for businesses operating completely remotely due to the pandemic. The temporary flexibility was initially announced in March and has now been extended for an additional 60 days, through November 14, 2020. See [our prior client alert outlining related I-9 completion steps here](#). Guidance on how to obtain, remotely inspect, and retain copies of the identity and employment eligibility documents to complete Section 2 of Form I-9 is available on the USCIS [website](#). Employers should monitor the DHS and ICE websites for additional updates and be mindful of the criteria to utilize the flexibility policy.

OCTOBER 2020 VISA BULLETIN RELEASED

The much anticipated October 2020 Visa Bulletin was released by the Department of States to kick off Fiscal Year 2021. Each month the Visa Bulletin is updated based on the number of available immigrant visas in quota-subject categories and published online [here](#). Due to COVID-19 related travel restrictions, U.S. Consulate closures world-wide, and the correspondingly high number of unused visas from Fiscal Year 2020 ending on September 30, a significant number of visas are now available. This will primarily impact employment-based visas which saw fewer pandemic-related interruptions than family-based immigrant visa categories, and in particular Indian

CONTINUED

IMMIGRATION AND COMPLIANCE BRIEFING:

**NEW FISCAL YEAR BRINGS NEW FEES,
FORMS, AND VISA BULLETIN**

This publication is a summary of legal principles. Nothing in this article constitutes legal advice, which can only be obtained as a result of a personal consultation with an attorney. The information published here is believed accurate at the time of publication, but is subject to change and does not purport to be a complete statement of all relevant issues.

nationals in the third employment-based preference category (EB-3 for Skilled Workers, Professionals, and Other Workers, accounting for 28.6% of the worldwide level, plus any numbers not required by first and second preferences, each of which also account for 28.6% of the worldwide level). Although there may be an increased supply of immigrant visas, it remains to be seen if this will equate to immigrant visas being issued in higher numbers given limited government processing capacity and continued consulate closures due to COVID, and the anticipated influx of even more applications.

Associate **Ashley Moore** contributed to this briefing.

Wiggin and Dana's Immigration and Nationality Law and Compliance Practice Group will continue to provide COVID-19 related briefings as more information becomes available. Please contact the practice group Co-Chair, **Najia Khalid**, at 203.498.4314 or nkhalid@wiggin.com if you have any questions.

Visit Wiggin and Dana's COVID-19 Resource Center [here](#) for additional publications and helpful links on multi-disciplinary topics that are relevant during the current COVID-19 global pandemic.