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**Immigration Update – March 8, 2005**

Trow & Rahal, P.C. is pleased to provide this Immigration Update as a service to our clients and friends.

In our previous updates, we informed you of upcoming changes with respect to new filing fees for H-1B and L-1 visa petitions and a change in the “prevailing wage” requirement for H-1B visa petitions. This is a reminder that these changes are now in effect.

**H-1B and L-1 filing fees** - As of March 8, 2005, all employers filing H-1B and L-1 visa petitions must pay the new \$500 Fraud Prevention and Detection fee for initial (new employer) H-1B or L-1 nonimmigrant visa petitions. This fee does not apply to an H-1B or L-1 visa petition filed to amend or extend the stay of an existing employee.

The new fraud prevention fee is in addition to the \$185 filing fee for an H-1 or L-1 visa petition. Therefore, the filing fees for all initial L-1 visa petitions will be \$685, and if the employer wishes to expedite the petition via premium processing, an additional \$1,000 filing fee is required for a total of \$1,685.

The required filing fees for initial H-1B visa petitions are: (1) filing fee: \$185; (2) fraud prevention fee: \$500; and (3) “training” fee: \$1,500, or \$750 if the employer has 25 or fewer full-time employees (“FTEs”) including any affiliates and subsidiaries. However, some employers are exempt from the training fee. These exempt employers include institutions of higher education, nonprofit organizations affiliated with institutions of higher education, and nonprofit research organizations. Therefore, total initial H-1B filing fees are \$2,185 for employers with 26 or more FTEs; \$1,435 for employers with 25 or fewer FTEs; or \$685 for exempt employers. If premium processing is requested, another \$1,000 should be added to the total fees listed above.

NOTE: Due to the increase in filing fees, Trow & Rahal will require all clients to provide checks payable to Department of Homeland Security to cover the filing fees for initial H-1B and L-1 visa petitions.

**H-1B “Prevailing Wage” Requirement**– Employers filing H-1B visa petitions and extensions from today forward must pay the employees covered by those petitions at least 100% of the “prevailing wage” as determined by the US Department of Labor (“DOL”). This is an increase from 95% of the prevailing wage as has been required until now. This change does not affect H-1B visa petitions filed prior to March 8, 2005. The new law also requires DOL to provide wage

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data for at least four levels of work experience instead of the two level system that has been in place.

If you have questions about any of the issues outlined above, or any other immigration matter, please contact one of the Trow & Rahal attorneys listed below.

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