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USCIS NEW FEE INCREASE EFFECTIVE ON NOVEMBER 23, 2010

Posted on November 19, 2010 by Cyrus Mehta

US Citizenship and Immigration (USCIS) issued a reminder that its new fee schedule will take effect on Tuesday, November 23, 2010.K Applications or petitions postmarked or otherwise filed on or after this date must include the new fee or they will be rejected.

As a practical matter, it is clear that if the application or petition is postmarked on Monday, November 22, 2010 but arrives on or after Tuesday, November 23, 2010, the old filing fee would be applicable and the application should not be rejected. KThe TpostmarkУ need not be issued from the U.S. Postal Service.K KThe American Immigration Lawyers Association (AILA) has received further guidance from the USCIS confirming that a receipt notice from a courier service or another mailing service will be considered TpostmarkedУ for determining whether the old or the new fee schedule is applicable.K In the meantime, we refer you to USCIS Frequently Asked Question # 2 dated July 2, 2007, http://www.uscis.gov/files/pressrelease/FAQ2.pdf, which discussed the meaning of TpostmarkУ relating to a courier service with respect to filings during the July Visa Bulletin 2007 period.

Q.25: Does a receipt notice from a courier service or overnight mailing service constitute a TpostmarkУ?

A.25. Yes, the date the item is entered into the courierXs service system will be the postmark date for fee determination purposes.

USCIS published the new fee schedule in the Federal Register on September 24, 2010, following a review of public comments received after publication of the proposed rule this past summer. The new fee schedule increases application and petition fees by an average of about 10 percent but does not increase the

naturalization application fee.

A table listing the old and new fees is available at http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=92c5e116de9eb210VgnVCM100000082ca60aRCRD&vgnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD. The final rule is available at http://edocket.access.gpo.gov/2010/pdf/2010-23725.pdf.