



Executive Summary

September 1, 2010

Teleconference: Implementing Public Law 111-230

Background

On August 13, 2010, President Obama signed into law Public Law 111-230. The new law contains provisions that require petitioners to pay an additional \$2,000 for certain H-1B petitions and an additional \$2,250 for certain L-1 petitions.

To begin public outreach on this legislation, USCIS held a teleconference on August 19, 2010 to share how USCIS will implement it.

Principal Theme

Since the enactment of this law, USCIS received various public inquiries as well as requests for clarification. During the teleconference, USCIS provided the public with responses to some of the most commonly asked questions followed by an open forum to answer additional questions.

During the teleconference, among other answers provided, USCIS informed the public that:

- The additional fee is required for certain H-1B or L-1 petitions postmarked on or after August 14, 2010;
- The law will remain in effect through September 30, 2014;
- This law is applicable to petitioners who employ 50 or more employees in the U.S. and more than 50% of the petitioner's employees are in H-1B or L nonimmigrant status;
- Until the Form I-129 is updated, if a petitioner believes s/he is exempt from the requirement to pay the additional fee(s), the petitioners should include a cover letter, with their filings, that explains why the added fee does not apply. At the top of the cover letter, petitioners should include a notation of whether or not the fee is required in bold capital letters;
- If a petitioner does not include the added fee and USCIS determines the fee is required or if USCIS cannot determine if the fee is required, USCIS will issue a Request for Evidence (RFE) for the additional fee or for further explanation; and
- If the petitioner includes the increased fee, the fee should be paid by a separate check. The check should be made payable to the Department of Homeland Security. By paying the increased fee separately, USCIS will be able to more quickly issue a refund, if it is later determined that the increased fee was not required.

Next Steps

- USCIS is drafting a Questions and Answers document that will be completed shortly;
- On August 19, 2010, USCIS posted to its website an Update titled [USCIS Implements H-1B and L-1 Fee Increase According to Public Law 111-230](#);
- USCIS, CBP, the Department of State and the Department of Justice are communicating and coordinating the implementation of this new legislation to ensure a smooth transition; and
- The public may continue to send questions related to this legislation to the Office of Public Engagement at Public.Engagement@dhs.gov.