

DOS Practice Pointer: New Consular Fees Start June 4, 2010

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An Interim Final Rule was published on May 20, 2010, by the Department of State advising that the collection of increased consular fees will begin on June 4, 2010 (AILA InfoNet Doc. No. 10051968). No changes have been made to the fee schedule initially published last December (AILA InfoNet Doc. No. 09121165). As a reminder, the new schedule includes the following increased visa application fees:

1. Most NIVs and adult BCCs: \$140
2. Petition-based NIVs (H,L,O,P,Q,R): \$150
3. K category: \$350
4. E category: \$390

In introducing the new fee schedule on June 4, the Department will also post additional information about the Cost of Survey Study (CoSS) which underpinned the new fee schedule.

The May 20, 2010, notice provides the following "tidbits" and clarifications:

1. During the comment period, 81 comments were received.
2. Of the 81 comments, 48 criticized the increase in the application fee for K category fiancé(e) visas. The Department emphasizes that the increased fee in this category was necessitated primarily for two reasons: (1) A K visa application requires a review of extensive documentation and a more in-depth interview of the applicant than other visa categories; and (2) The K visa category involves a higher incidence of fraud than many other types of visas.
3. The Department will examine the possibility of offering expedited visa service in exchange for a higher fee.
4. The new fees do not eliminate or otherwise impact existing visa reciprocity fees.
5. 92% of all NIV applicants will see an increase of only \$9.
6. The increased visa application fees may result in some countries raising visa fees charged to U.S. visa applicants; nevertheless, DOS is compelled to recover the costs of visa processing through visa application fees, and DOS believes that the new schedule has been set at a level allowing for full cost recovery.
7. The new DS-160 has thus far not resulted in any significant time savings for consular staff. (It has, though, presented great advantages in making applicant data available electronically and in allowing advance review of data.)

The RDC is informed that with regard to pending visa applications, the fee in force on the date of the interview is the fee which must be paid by the applicant. We understand that early next week many consular posts will publish their respective procedures regarding the payment of supplemental fees in cases for which interviews have been scheduled on or after June 4, 2010.

About the Rome District Chapter (RDC): We are the chapter of AILA members practicing in Europe, the Middle East and Africa. Comprising more than 100 active practitioners, our chapter places special focus on consular processing and global visa issues. All AILA members interested in these